

## **Title 9 Land Use and Development**

## **9-01 [Zoning Code for the City of Vernonia]**

### **9-01.01 [Introductory Provisions]**

#### **9-01.01-10 [Title]**

This chapter shall be known as the Zoning Code for the City of Vernonia.

#### **9-01.01-20 [Purpose]**

The purpose of this ordinance is to implement the Comprehensive plan policies and to preserve the character of the community; to aid in the rendering of fire and police protection; to provide for adequate light, air, and open spaces; to lessen congestion; to encourage the orderly growth of the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks, and other public requirements; to conserve and improve the value of property, providing for economic stability and growth; and in general, to promote public health, safety, convenience, and general welfare.

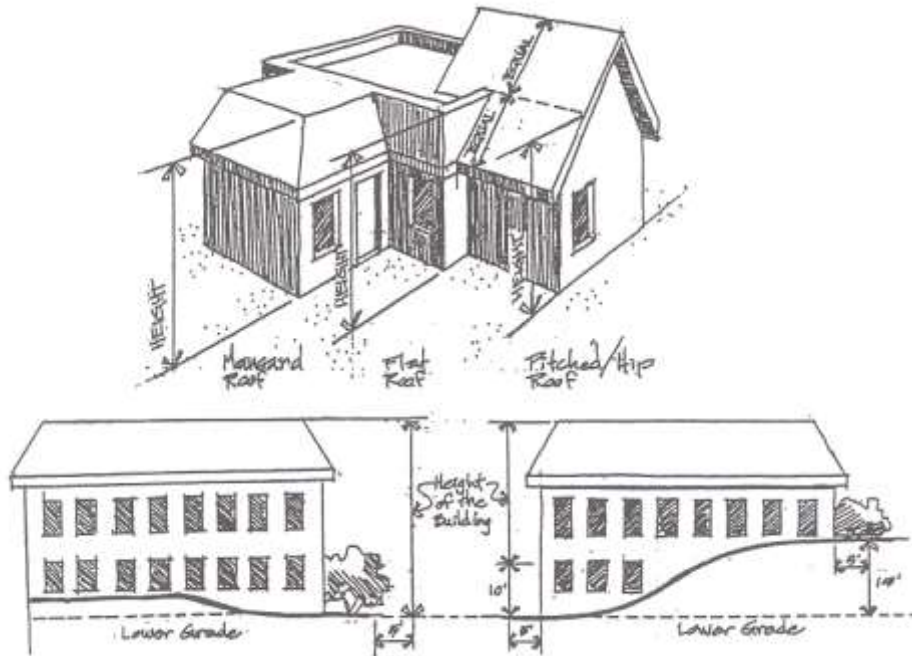
#### **9-01.01-30 [Definitions]**

As used in this chapter the following words and phrases shall mean:

- A. "Access" means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
- B. "Accessory Use or Accessory Structure" means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
- C. "Alley" means a street which affords only a secondary means of access to property.
- D. "Auto Dependent Uses" means the use serves motor vehicles and would not exist without them, such as vehicle repair, gas station, and car wash.
- E. "Auto Oriented Uses" means automobiles and/or other motor vehicles are an integral part of the use, such as drive-in restaurants and drive-in banking facilities.
- F. "Bed and Breakfast Inn" Provides accommodations (3 or more rooms) plus breakfast on a daily or weekly basis in an operator or owner-occupied home that is primarily used for this purpose. This use is operated as a commercial enterprise.
- G. "Building" means a structure having a roof supported by columns or walls and used for housing or enclosure of persons, animals, chattels or property of any kind.
- H. "Building Height" means the vertical distance above a reference grade measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The grade shall be selected by either one (1) of the following, whichever yields a greater height of the building:
  - 1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade;
  - 2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in "1" above is more than ten (10) feet above the lowest grade. The height of a steeped or terraced building is the maximum height of any segment of the building.

3. The following elements are not included in the maximum building height: chimneys, bell towers, steeples, roof equipment, flag poles and similar features not for human occupancy. See Building Height, [Figure .01-30-1](#).

**Figure .01-30-1. [Building Height Illustration]**



- I. “Building Official.” Refers to the Planning Director, contracted building inspectors, City staff responsible for the issuance of building permits and/or maintenance documentation for flood plain management, or a designee of the Mayor, City Council or Planning Commission.
- J. “Churches and Other Places of Worship” means a gathering place for people to practice common religious beliefs.
- K. “Dwelling Unit” means an area or space designated for residential use that provides for sleeping, eating, cooking and sanitation as required by the Uniform Building Code, and intended for occupancy by one family per unit.
1. “Dwelling, Attached” means a dwelling unit that shares one or more common or abutting walls with one or more other dwelling units.
  2. “Dwelling, Detached” means a detached building containing one (1) dwelling unit.
  3. “Dwelling, Single-Family” means a detached building designed for residential use and occupancy by one (1) family.
  4. “Dwelling, Two-family Duplex” means a detached building that contains with two (2) attached dwelling units within the building and is intended for occupancy by one family per unit.
  5. “Dwelling, Three-family Triplex” means a building with three (3) attached dwelling units on one (1) lot or parcel.
  6. “Dwelling, Multi-Family” means a detached building designed for residential use that contains four or more attached dwelling units within the building and an intended occupancy of one family per unit.

- L. “Elderly Housing” means housing for individuals fifty-five (55) years old or older or for married couples where at least one (1) of the spouses is fifty-five (55) years or older or for disabled persons of any age. Elderly housing shall qualify as housing exempt from the prohibition against discrimination based on familial status as set forth in the Federal Fair Housing Act and the rules and regulations of the United States Department of Housing and Urban Development, as set forth in 24 C.F.R. Chapter 1 Part 100 Sections 302-304. The term “elderly housing” does not include a residential care facility or residential care home as defined under Oregon statutory law. Elderly housing may consist of any one (1) or any combination of the following:
1. “Retirement Housing”- Retirement housing is designed for independent living and each unit has a full kitchen and a bath. Services such as group trips or recreation or other services may be offered;
  2. “Congregate Housing”- Congregate Housing is a specially planned, designed and managed multi-family rental housing with each unit having a full kitchen and a bath. It is designed to provide a supportive environment, but also to accommodate a relatively independent living style. Typically, a limited number of support services such as meals, laundry, housekeeping, transportation and a social and recreational activity are provided;
  3. “Assisted Living Housing”- Assisted living housing contains separate living units and is designed to support residential independence in a residential setting and to promote the concept of “aging in place.” Assisted living housing offers a range of services, available on a twenty-four (24) hour basis, for support or residential choice, dignity, privacy and individuality in a homelike surrounding.
- M. “Family” For the purposes of this ordinance a family is one or more individuals living together as one household, typically not more than five persons.
- N. “Flag Lot” means a lot or parcel that has access to a road, street or access easement by means of a narrow strip of lot or easement that does not meet the City’s minimum lot width standards for the zoning district in which the lot or parcel is located.
- O. “Grade, Ground Level” means the average of the finished ground elevations at the centers of all walls of a building, however, if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation of that wall.
- P. “Home Occupation” means a lawful business activity carried on by a resident of a dwelling as an accessory use to the household living use on the site, subject to the provisions of the applicable residential zone standards and the Home Occupation provisions of this code.
- Q. “Horizontal Distance” means building length as measured from end-wall to end-wall.
- R. “Hotel” means a building, or portion thereof, of more than five (5) rooms designed or intended to be used, let or hired out for the purpose of offering to the general public lodging on a day-to-day basis, where the primary entrance is through a lobby or foyer with internal circulation to the rooms; also, that in which there are no provisions for cooking in any individual room or suite.
- S. “Impervious Surface” means development that does not allow for water infiltration into the ground, such as a roof, asphalt or concrete pavement.
- T. “Livestock” means domestic animals of types customarily raised or kept on farms for profit of other purposes.
- U. “Lot” means a single unit of land that is created by a subdivision of land. (ORS 92.010(3).)
1. “Lot, Corner” means a lot abutting on two (2) or more streets other than an alley, at their intersection.
  2. “Lot, Flag” means a lot or parcel that has access to a road, street or access easement by means of a narrow strip of lot or easement that does not meet the City’s minimum lot width standards for the zoning district in which the lot or parcel is located.

- V. “Lot Area” means the total horizontal area within the lot lines of a lot or parcel
- W. “Lot Area, Effective” means the total horizontal area within the lot lines of a lot or parcel, exclusive of streets and easements.
- X “Lot Coverage” means the area of a lot or parcel covered by all structures as well as all impervious surfaces, expressed as a percentage of the total lot area.
- Y. “Lot Line” means the property line bounding a lot or parcel.
1. “Lot Line, Front” means the lot line separating the lot or parcel from the street other than an alley. In the case of a corner lot, the front lot line is the shortest lot line along a street other than an alley. In the case of a through lot, each street has a front lot line.
  2. “Lot Line, Rear” means the lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.
  3. “Lot Line, Side” means any lot line not a front or rear lot line.
- Z. “Lot Width” means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. In the case of a flag lot, lot width is the average horizontal distance between the side lot lines of the “flag” portion of the lot (not of the “pole” that provides street access), measured parallel to the right-of-way line.
- AA. “Manufactured Dwelling” means one (1) of the following:
1. “Residential Trailer” means a residence constructed prior to January 1<sup>st</sup>, 1962 standards which is constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes;
  2. “Mobile Home” means a residence constructed between 1962 and 1976 standards which is constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and that met the construction requirements of Oregon mobile home law in effect at the time of construction;
  3. “Manufactured Home” means a dwelling unit of more than 1000 square feet of livable space in a multi-section unit, fabricated at an off-site manufacturing facility for assembly at the building site and constructed to current HUD standards, in accordance with federal manufactured housing construction and safety standards and regulations, in effect at the time of installation. (ORS 446.003(26)(a)).
- BB. “Manufactured Home Park” means any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space for manufactured homes for a charge or fee paid or to be paid for the rental, lease or use of the facilities, or to offer free space in connection with securing the trade or patronage of such uses.
- CC. “Measurement (of Setbacks)” means building setbacks are measured from the building’s nearest vertical wall or foundation, whichever is closer to the respective property line. Setbacks for porches are measured from the front edge of the deck or porch to the property line.
- DD. “Mixed-Use Development” means a development with a commercial use that also includes a minimum of thirty percent (30%) of the gross square footage developed with a residential use.
- DD. “Motel” means a transient occupancy use with external pedestrian access to rental rooms and with vehicular access to rooms.
- EE. “Mobile Home”- see Recreational Vehicle

- FF.** “Nonconforming Structure or Use” means an existing structure or use at the time this code or any amendment thereto becomes effective, which was lawful at the time it was established but does not conform to the current requirements of the zone in which it is located.
- GG.** “Off-Street Parking” means all off-street areas outside of a public right-of-way that are designed, used, required or intended to be used for the parking of motor vehicles and bicycles.
- HH.** “Owner” means a person or entity listed as a holder in fee title of a property on the most recently-recorded deed, or the authorized agent of that owner.
- II.** “Parcel” means a single unit of land that is created by a partitioning of land. (ORS 92.010(5).)
- JJ.** “Parking Space” means an area that is designated for parking an automobile, motorcycle or bicycle. These areas are typically located in a parking garage, a parking lot or on a city street.
- KK.** “Person” means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
- LL.** “Public Pocket Park” means a small park, equal to or less than ½ acre in size, offering limited facilities for the primary use of residents located within a ½ mile radius.
- MM.** “Recreational Vehicle. A vehicular-type living unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. Type of recreational vehicles include, but are not limited to, travel trailer, camping trailer, camper, camping van, and motor home.
- NN.** “Residential Care Home” means residential treatment or training home or facility or adult foster home licensed by the State of Oregon. A residential care home provides for five (5) or fewer individuals.
- OO.** “Residential Care Facility” means residential treatment or training home or facility or adult foster home licensed by the State of Oregon. A residential care facility provides for six (6) to fifteen (15) individuals.
- PP.** “Setback” means the minimum allowable horizontal distance from a given line of reference (usually a property line) to the nearest foundation or vertical wall, whichever is closer, of a structure.
1. “Setback, Front” means the distance between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building or other structure.
  2. “Setback, Rear” means the distance between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building or other structure.
  3. “Setback, Side” means the distance between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building or other structure.
- QQ.** “Street” means a public right-of-way for vehicular and pedestrian traffic.
- RR.** “Structure” means a building of any kind or any piece of work artificially built up or composed of parts joined together in some manner and which requires location on the ground or which is attached to something having a location on the ground.
- SS.** “Structural Alteration” means a change to the supporting members of a structure including foundation, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

**TT.** “Use” means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

**UU.** “Yard” means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this code.

1. “Yard, Rear” means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building or other structure.
2. “Yard, Front” means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building or other structure.
3. “Yard, Side” means a yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building or other structure.
4. “Yard, Street Side” means a yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building or other structure.

## **9-01.02 [Basic Provisions]**

### **9-01.02-10 [Compliance with Code]**

- A. No building, structure, or premise shall hereafter be used or occupied and no building or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this ordinance.
- B. Each use permitted either outright or conditionally in any of the zones in this ordinance includes the accessory uses which attach to that main use, and both the main use and all accessory uses shall be considered in any application or proceeding under this ordinance.
- C. No lot area, setback, or other open space, or required off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced in area, dimension, or size below the minimum required by this ordinance, or shall any lot area, setback, or other open space or off-street parking or loading area which is required by this ordinance for one use be used as the lot area, setback, or other open space or off-street parking or loading area requirement for any other use.

### **9-01.02-20 [Classification of Zones]**

For the purposes of this code the following zones are hereby established:

Zone	Abbreviated Designations
Low Density Residential	LDR
Residential	R
General Residential	GR
General Commercial	GC
Downtown	DT
Light Industrial	LI
Public Recreation	PR
Institutional Public	IP

### **9-01.02-30 [Location of Zones]**

- A. The boundaries for the zones listed in this code are indicated on the Vernonia Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with the zoning map amendments which shall be adopted by reference.
- B. Unless otherwise specified, zone boundaries are lot lines or the center line of streets, alleys, railroad right-of-way, or such lines extended.
- C. Where a zone boundary divides a land parcel under a single ownership into two zones, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than 20 feet. If the adjustment involves a distance of more than 20 feet, the procedure for a zone change shall be followed.
- D. Planned Developments shall be allowed outright in all zones without requiring an overlay zone.



### **9-01.02-40 [Zoning Map]**

A zoning map or zoning amendment adopted by [Section 9-01.02-20](#) of this chapter or by an amendment thereto shall be prepared by authority of the Planning Commission or by a modification by the City Council of a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this code remains in effect.

### **9-01.02-50 [Zoning of Annexed Areas]**

Areas annexed to the city shall be rezoned to a City zoning classification for the property which is in accordance with the City's Comprehensive Plan. The Plan and zone amendment procedure shall be as required by State law, the City's Comprehensive Plan and this code, and shall be accomplished concurrently with the annexation of the property. The zone designation under the zoning ordinance of Columbia County shall apply until changed by the City. If the City finds that it is important to the protection or implementation of city policies, with notice and opportunity to be heard, interim regulations may be applied in the annexed area until more permanent action can be taken.

## **9-01.03 [Use Zones]**

### **9-01.03-10 [Residential Zone R]**

Purpose - The Residential Zone is intended to provide minimum development standards for residential purposes where complete community services, including schools, shopping and transportation are available and where population concentrations of an urban nature are developing.

**A. Uses Permitted Outright-** In an R zone the following uses and their accessory uses are permitted outright:

1. Dwelling; Single family
2. Dwelling, Two-family (Duplex);
3. Crop cultivation including farm, garden or nursery.
4. Home Occupation subject to Section 9-10

**B. Conditional Uses Permitted-** In an R zone the following uses and their accessory uses are permitted when authorized in accordance with [Article 9-01.06](#) of this chapter:

1. Church;
2. Community building;
3. Governmental use;
4. Hospital, sanitarium, rest home, nursing or convalescent home;
5. Mobile home park;
6. School or college;
7. Public utility structure;
8. Public park or playground;
9. Bed and breakfast inn.

**C. Dimensional Standards-** In an R zone the following dimensional standards shall apply, except as provided for in Section 9-01.05:

1. The front setback shall be a minimum of twenty (20) feet;
2. Each side setback shall be a minimum of five (5) feet, except that on a corner lot the side yard on the street shall be a minimum of fifteen (15) feet;
3. The rear setback shall be a minimum of ten (10) feet;
4. The minimum lot size shall be five thousand (5,000) square feet for a single-family dwelling plus twenty-five hundred (2,500) square feet for each additional dwelling unit;
5. The lot width at the front building line shall be a minimum of fifty (50) feet;
6. The lot depth shall be a minimum of one hundred (100) feet;
7. The building height shall be a maximum of thirty-five (35) feet;
8. Not more than fifty percent (50%) of the lot area shall be covered by buildings or impervious surfaces.

**D. Prohibited Uses** - In an R zone the following uses and their accessory uses are prohibited:

1. The use of an automobile travel trailer as a residence on individual lots.

### **9-01.03-11 Residential Zone Design Standards**

- A. Purpose - The design standards are intended to provide detailed, human-scaled design, while affording flexibility to use a variety of building styles.
- B. Applicability. This section applies to the buildings and uses described in R Zone Tables below, which shall be reviewed through a Site Development Review application as described in Section 9-01-10, Site Development Review:

**Table 03-11-1**

**Application of Site Development Review to permitted uses in the Residential Zone**

Applicable Use	Type of Review	
	Site Development Type I	Site Development Type III
a. Dwelling, Single family	No review required – checklist required	
b. Dwelling, Two family (Duplex)	Review required*	
c. Commercial Farm, garden, or nursery	Review required*	
d. Home Occupation –no review	Subject to 9-10	

NOTE: Choosing option 9-01-03-11.C 6. b. x. would require Site Development Review Type III; otherwise a Type I review is required

**Table 03-11-2**

**Application of Site Development Review to Conditional Uses in the Residential Zone**

Applicable Use	Type of Review	
	Site Development Review I	Site Development Review III
a. Churches and other places of worship		Review required
b. Community building		Review required
c. Governmental use		Review required
d. School or college		Review required
e. Public utility structure		Review required
f. Bed and breakfast inn		Review required
g. Public park or playground		Review required
h. Other similar or appropriate uses as approved by a Conditional Use Permit		Review required

- C. Standards. All uses shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. These design standards work together to promote a desirable residential area while allowing for flexibility of development and still maintaining compatibility with the community. These standards provide certainty to property owners, developers and neighbors about the allowable uses. No manufactured home shall be placed upon a lot unless it has the Oregon State Seal of Approval or equivalent. No manufactured home shall be over 5 years old at the time of installation.

1. Foundation and anchoring.

- a. All dwellings shall be placed on an excavated and backfilled foundation which encloses the perimeter so that the home is not more than 12 inches above grade on the uphill side of the home, except in areas where flood plain regulations requires a greater elevation.
- b. The perimeter enclosure will be a permanent structure constructed of concrete, cement block or masonry block.
- c. All dwellings shall be anchored to the ground in accordance to flood plain requirements and/or applicable state or federal requirements.
- d. Manufactured homes shall have wheels, axles and hitch mechanisms removed and be de-titled.

2. Main Entrance. At least one main entrance for each structure must:

- a. Be within 8 ft. of the longest street facing wall of the dwelling unit and one of the following:
  - (1) Face the street
  - (2) Be at an angle of up to 45 degrees from the street
- b. Open onto a porch or have a covered entryway.
- c. Porches must meet all of the following requirements:
  - (1) Be at least 50 square feet in area
  - (2) Have at least one entrance facing the street
  - (3) Have a roof that is no more than 12 ft. above the floor of the porch
  - (4) Be at least 30 percent solid
  - (5) Have pillars, columns or wrapped posts with no exposed hardware unless the exposed hardware is an architectural feature (i.e. custom fabricated hardware intended to be visible as part of the look of the house)
- d. Covered entries must meet all of the following requirements:
  - (1) Be at least 32 square feet in area
  - (2) Have pillars, columns or wrapped posts with no exposed hardware unless the exposed hardware is an architectural feature (i.e. custom fabricated hardware intended to be visible as part of the look of the house)

3. Eyes on the Street.

- a. At least 15 percent of a street facing facade must be windows or doors.
- b. Windows in garage doors do not count toward meeting this standard unless the door is less than 27 square feet in area and faces the street property line.
- c. Windows in garage walls count toward meeting this standard

4. Roof pitch and eaves.

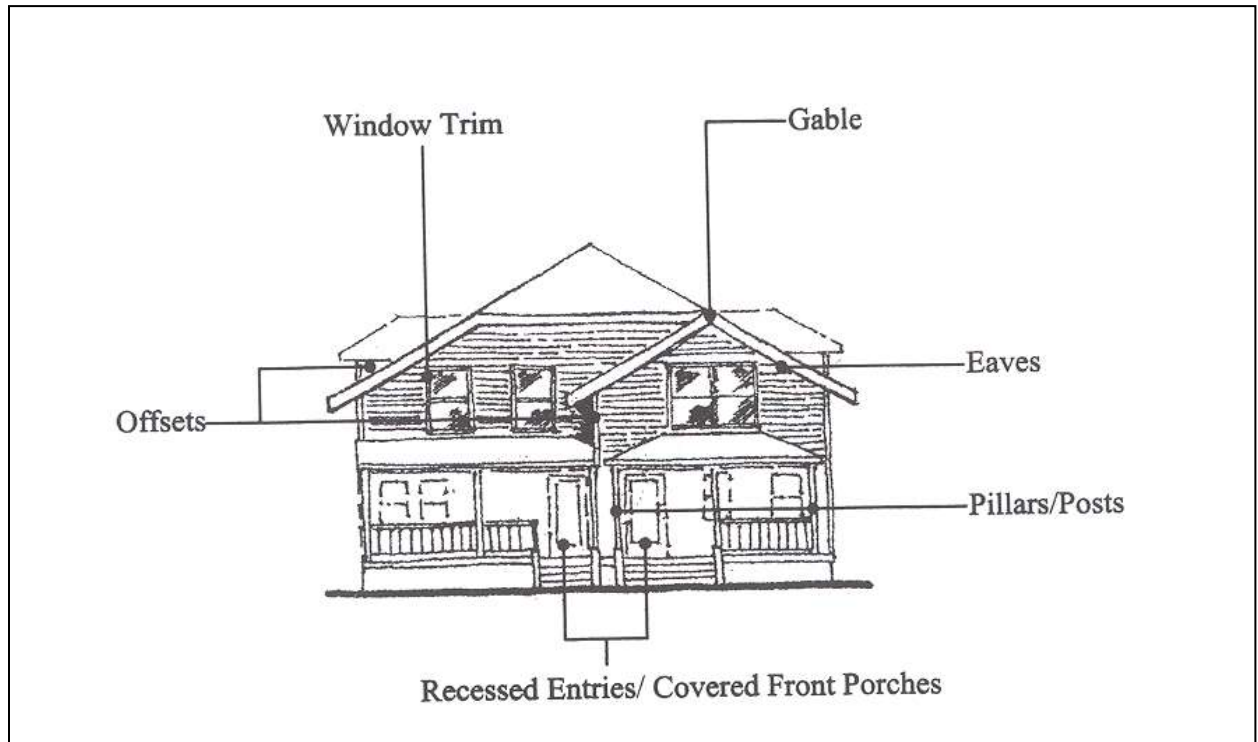
- a. The minimum roof pitch will be 4:12.
- b. The minimum eave projection is 12 inches.
- c. Eave distance is measured on a level plane from the exterior surface of the wall to the end of the rafter tail or the inside surface of the fascia board.

5. Exterior finish.

- a. Exterior finishes shall be of architectural grade materials.
- b. Plain concrete block, plain concrete, plywood, sheet pressboard, T-111, and corrugated metal are not allowed as exterior finish material except:
  - (1) As secondary finishes covering no more than 10 percent of the surface area of each façade
  - (2) T-111 may be used in a board-and-bat finish.

- c. Trim must mark all building roof lines, porches, windows and doors on all facades. Buildings with an exterior material of masonry are exempt from this standard.

**Figure 03-11-1**  
**Examples of Architectural Details**  
**Single family Dwelling or Two family dwelling (Duplex)**



**6. Detailed Design.**

- a. If a dwelling is designed with a roof pitch greater than or equal to 6:12, then any street facing façade shall have at least four (4) of the following architectural features. If a dwelling is designed with a roof pitch less than 6:12, then any street facing façade shall have at least six (6) of the following architectural features:
- (1) Dormers
  - (2) Gables
  - (3) Recessed entries
  - (4) Covered porch entries
  - (5) Pillars or wrapped posts
  - (6) Off-sets in building face or roof (minimum 16 inches)
  - (7) Bay or Bow windows
  - (8) Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
  - (9) Decorative cornices and roof lines (e.g., for flat roofs).
  - (10) Shutters
  - (11) Architectural grade laminated shingles, cedar shakes or shingles, tile, slate, or copper (not including standard three-tab asphalt shingles).
  - (12) Brickwork or masonry
  - (13) An alternative feature providing visual relief, similar to options 1-12 (Must be approved by the Planning Director).

## **9-01.03-20 [General Residential Zone GR]**

Purpose - The General Residential Zone is intended to provide minimum development standards for a variety of housing opportunities and related neighborhood uses needed by the city's diverse population, in close proximity to community services in the Downtown Zone.

**A. Uses Permitted Outright-** In a GR zone the following uses and their accessory uses are permitted outright:

1. Dwelling, Single family;
2. Attached dwelling (townhouse);
3. Dwelling, Two family (Duplex);
4. Dwelling, Three-family (Triplex);
5. Dwelling, Multi-family;
6. Boarding, lodging or rooming house;
7. Residential care home;
8. Residential care facility;
9. Home occupation;
10. Community garden.

**B. Conditional Uses Permitted-** In a GR zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 9-01.05 of this chapter:

1. Elderly housing;
2. Churches and other places of worship;
3. Community building (clubs, lodges and similar uses);
4. Governmental use;
5. Hospital, Sanitarium, Rest Home, Nursing or Convalescent Home;
6. School or college (including trade schools, dance schools);
7. Public utility structure;
8. Public pocket park;
9. Bed and breakfast establishments;
10. Other similar or appropriate uses as approved by a Conditional Use Permit.

**C. Dimensional Standards-** In a GR zone the following dimensional standards shall apply, except as provided for in section 9-01.05-60:

1. Minimum Lot Size:
  - a. The minimum lot size for a detached dwelling, including manufactured dwelling, shall be five thousand (5,000) square feet, unless a larger lot size is specified in this code;
  - b. The minimum lot size for a duplex shall be seven thousand (7,000) square feet;
  - c. The minimum lot size for a triplex shall be eight thousand (8,000) square feet;
  - d. The minimum lot size for a multi-family dwelling shall be nine thousand (9,000) square feet for 4 units with an additional one thousand (1,000) square feet lot size for each dwelling unit greater than four (4);
2. Minimum Lot Width and Depth:
  - a. The minimum lot width shall be fifty (50) feet;
  - b. The minimum lot depth shall be one hundred (100) feet, except on a corner lot it shall be fifty (50) feet as long as the minimum lot size is requirement is met.
3. Minimum Setbacks:
  - a. The minimum front setback shall be ten (10) feet;
  - b. The minimum side setback shall be five (5) feet, except for the following:
    - (1). Street side corner lot setbacks shall be ten (10) feet;
    - (2). Multi-family and Attached dwelling (townhouse) development: no interior side setbacks.

- (3). Street side corner setbacks shall be fifteen (15) feet for multi-family dwelling units;
  - c. The minimum rear setback for all residential and non-residential development in this zone shall be ten (10) feet;
4. Maximum Building Height: thirty-five (35) feet;
5. Maximum Lot Coverage:
- a. Not more than 50 percent of the lot area shall be covered by buildings or impervious surfaces, except for duplexes, triplexes and multi-family dwellings
  - b. Not more than 75 percent of the lot area shall be covered by buildings or impervious surfaces for duplexes, triplexes and Multi-family dwellings
6. Landscaping Requirement:
- a. Duplex, triplex, and multi-family housing shall provide a minimum of ten percent (10%) of the gross site area in landscaping, which is in addition to the required setback areas.;
  - b. Up to forty percent (40%) of the required landscaping may include hardscape features such as patios and decks, as long as these features do not exceed lot coverage requirements..

## **9-01.03-21 [General Residential Zone Design Standards]**

**A. Purpose-** The design standards are intended to provide detailed, human-scaled design, while affording flexibility to use a variety of building styles.

**B. Applicability-** This section applies to the buildings and uses described in GR Zone Tables below, which shall be reviewed through a Site Development Review application as described in Section [9-01.10-10 \[Site Development Review\]](#).

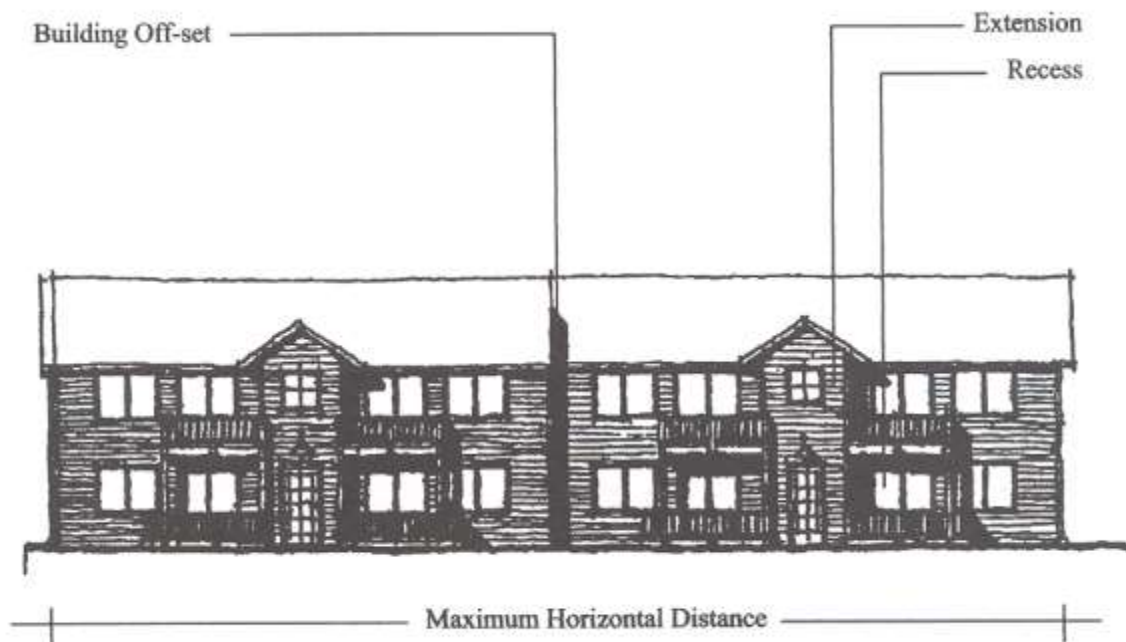
<u><b>Table 03-21-1</b></u>		
<u><b>Application of Site Development Review to Permitted Uses in the General Residential Zone</b></u>		
Applicable Use	Type of Review	
	Site Development Type I	Site Development Type III
1. Detached Single Family dwelling	No Review Required, checklist required	
2. Duplex	Review Required *	
3. Triplex	Review Required *	
4. Multi-family dwelling (four (4) or more units)		Review Required
5. Boarding, lodging or rooming house	Review Required *	
6. Residential care home	Review Required *	
7. Residential care facility		Review Required
8. Home occupation	Refer to Section 9-10	
9. Community garden	No Review Required	
*Note: Choosing option <a href="#">9-01.03-21.C.3.n</a> would require Site Development Review Type III; otherwise a Type I review is required.		

<b><u>Table 03-21-2</u></b> <b><u>Application of Site Development Review to Conditional Uses in the General Residential Zone</u></b>		
Applicable Use	Type of Review	
	Site Development Review I	Site Development Review III
1. Churches and other places of worship		Review Required
2. Community building		Review Required
3. Governmental use		Review Required
4. Hospital, Sanitarium, Rest Home, Nursing or Convalescent Home		Review Required
5. Elderly housing		Review Required
6. School or college		Review Required
7. Public utility structure		Review Required
8. Bed and breakfast inn		Review Required
9. Public pocket park	No Review Required	
10. Other similar or appropriate uses as approved by a Conditional Use Permit		Review Required



**C. Standards-** All uses shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. These design standards work together to promote a desirable residential area while allowing for flexibility of development and still maintaining compatibility with the community. These standards provide certainty to property owners, developers and neighbors about the allowable uses.

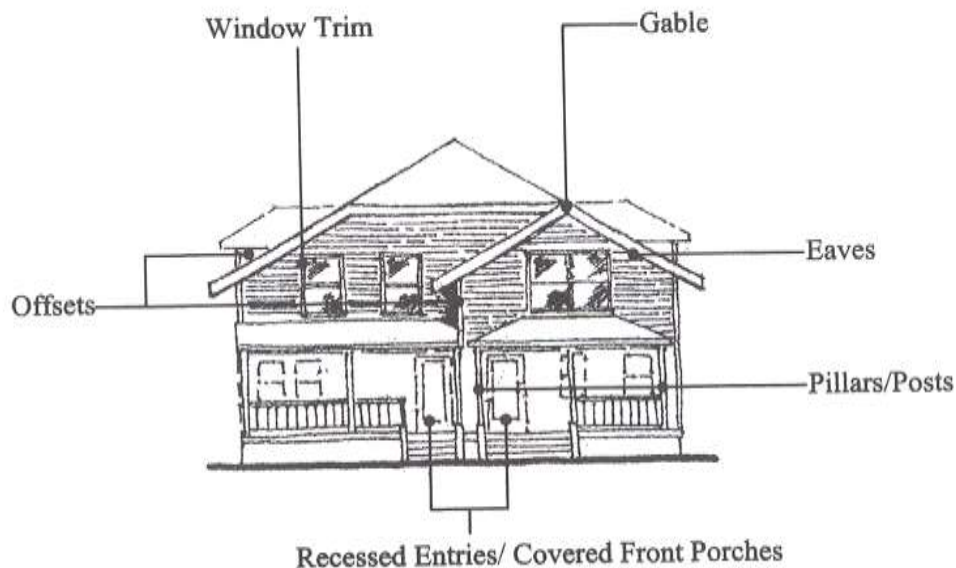
**Figure 03-21-1 : [Building Form (Multi-family Housing Example)]**



1. For single family dwellings refer to the design standards and design details specified in the R Zone Table 03-11-1.
2. Building Form for Duplex, Triplex and Multi-family dwellings- The maximum horizontal distance of an individual building on one (1) lot shall not exceed one hundred (100) feet. All building facades shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as illustrated in [Figure .03-21-1](#). These features shall occur at a minimum of every twenty-five (25) horizontal linear feet. Each floor shall contain at least two (2) of the following features on each elevation (front, rear and sides):
  - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of five (5) feet;
  - b. Extension (e.g., floor area, deck, patio, entrance or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet;
  - c. Offsets or breaks in roof elevation of two (2) feet or greater in height.
3. Roof pitch and eaves.
  - a. The minimum roof pitch will be 4:12.
  - b. The minimum eave projection is 12 inches

- c. Eave distance is measured on a level plain from the exterior surface of the wall to the inside surface of the fascia board.
- 4. Exterior finish.
  - a. Exterior finishes shall be of architectural grade materials.
  - b. Plain concrete block, plain concrete, plywood, sheet pressboard, T-111, and corrugated metal are not allowed as exterior finish material except as secondary finishes covering no more than 10 percent of the surface area of each façade. T-111 may be used in a board-and-bat finish.
  - c. Trim must mark all building roof lines, porches, windows and doors on all facades. Buildings with an exterior material of masonry are exempt from this standard.
- 5. Eyes on the Street- At least fifteen percent (15%) of a street-facing façade must be windows or doors. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard unless the door is less than 27 square feet in area and faces the street property line. Windows in garage walls count towards meeting this standard.

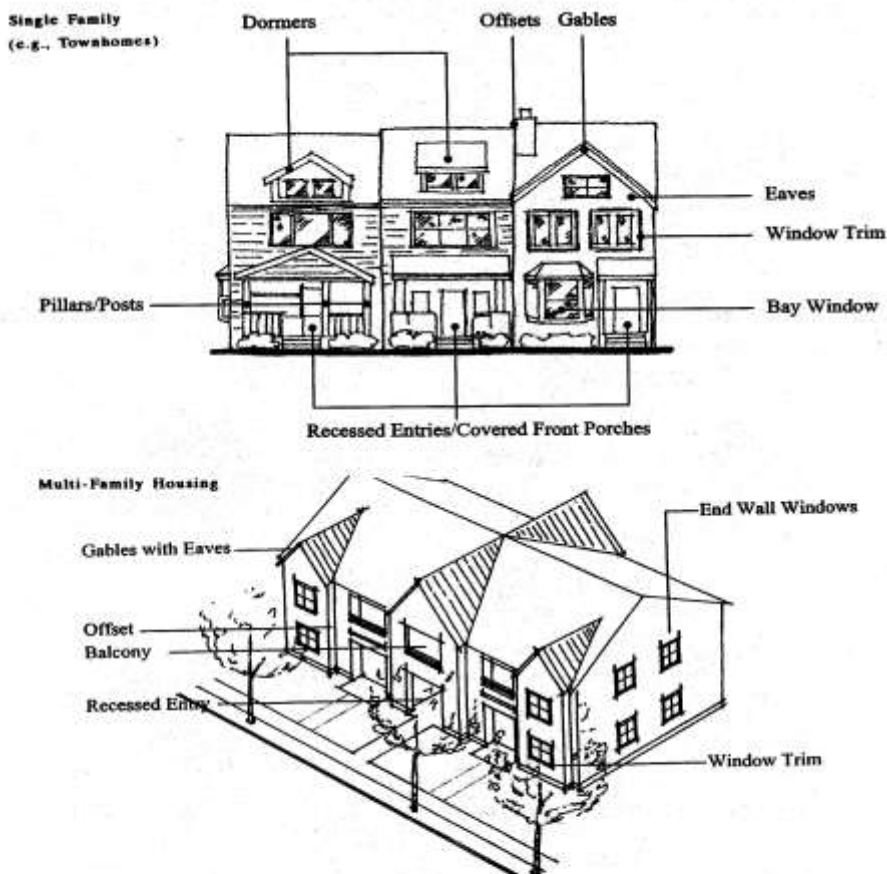
**Figure 03-21-2 : [Examples of Architectural Details (Duplex)]**



- 6. Detailed Design- Primary buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using the following architectural features as follows: any street facing façade shall have at least six (6) of the following features on each side, and any non-street facing façade shall have at least four (4).
  - a. Dormers
  - b. Gables
  - c. Recessed entries
  - d. Covered porch entries
  - e. Cupolas or towers
  - f. Pillars or wrapped posts

- g. Off-sets in building face or roof (minimum 16 inches)
- h. Window trim minimum of 3.5 inches wide
- i. Bay or bow windows
- j. Balconies
- k. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
- l. Decorative Cornices and roof lines (e.g., for flat roofs).
- m. Shutters
- n. Roof pitch greater than or equal to nominal 6:12
- o. Architectural grade laminated shingles, cedar shakes or shingles, tile, slate, or copper (not including standard three (3)-tab asphalt shingles)
- p. Brickwork or masonry
- q. An alternative feature providing visual relief, similar to options a-q must be approved by the Planning Commission.

**Figure 03-21-3 : [Additional Examples of Detailed Design Elements]**



### **9-01.03-30 [Low Density Residential Zone]**

Purpose- The Low Density Residential Zone is intended to provide for the orderly growth of the city and provide a transition area between the areas of higher density and rural areas of the county that do not have natural boundaries. All development in the LDR Zone will be reviewed as a Planned Development in accordance with Section 9-01.03-80

**A. Uses Permitted Outright-** In an LDR zone the following uses and their accessory uses are permitted outright:

1. Dwelling, Single-family;
2. Crops cultivation including farm, garden or nursery.
3. Home Occupation subject to Section 9-10

**B. Conditional Uses Permitted-** In an LDR zone the following uses and their accessory uses are permitted when authorized in accordance with [Section 9-01.06](#) of this chapter:

1. Church;
2. Community building;
3. Governmental use;
4. School or college;
5. Public utility structure;
6. Public park or playground.

**C. Prohibited Uses –** The use of an automobile travel trailer as a residence on individual lots is prohibited.

**D. Dimensional Standards-** In an LDR zone the following dimensional standards shall apply, except as provided for in Section 9-01.05:

1. The front yard shall be a minimum of twenty (20) feet;
2. Each side yard shall be a minimum of five (5) feet, except that on a corner lot the side yard on the street shall be a minimum of fifteen (15) feet;
3. The rear yard shall be a minimum of ten (10) feet;
4. Lot Size- The minimum lot size in the LDR zone shall be ten thousand (10,000) square feet;
5. Any yard adjacent to the Urban Growth Boundary of the City of Vernonia shall be one hundred (100) feet;
6. The lot width at the front building line shall be a minimum of fifty (50) feet;
7. The lot depth shall be a minimum of one hundred (100) feet;
8. The building height shall be a maximum of thirty-five (35) feet;
9. Not more than fifty percent (50%) of the lot area shall be covered by buildings or impervious surfaces.

### **9-01.03-31 Low Density Residential Zone Design Standards.**

**A. Purpose.** The design standards are intended to provide detailed, human-scaled design, while affording flexibility to use a variety of building styles.

**B. Applicability.** This section applies to the buildings and uses described in the following two Tables, which shall be reviewed through a Site Development Review application as described in Section 9-01-10, Site Development Review:

**Table 03-31-1****Application of Site Development Review to permitted uses in the LDR Zone**

Applicable Use	Type of Review	
	Site Development Type I	Site Development Type III
a. Dwelling, Single family	No review required – checklist required	
b. Commercial farm, garden, or nursery	Review required*	
c. Home Occupation	Subject to 9-10	

**Table 03-31-2****Application of Site Development Review to Conditional Uses in the LDR Zone**

Applicable Use	Type of Review	
	Site Development Type I	Site Development Type III
a. Churches and other places of worship		Review required
b. Community building		Review required
c. Governmental use		Review required
d. School or college		Review required
e. Public utility structure		Review required
f. Public park or playground		Review required
g. Other similar or appropriate uses as approved by a Conditional Use Permit		Review required

**C. Standards.** All uses shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. These design standards work together to promote a desirable residential area while allowing for flexibility of development and still maintaining compatibility with the community. These standards provide certainty to property owners, developers and neighbors about the allowable uses. No manufactured home shall be placed upon a lot unless it has the Oregon State Seal of Approval or equivalent. No manufactured home shall be over 5 years old at the time of installation.

1. Foundation and anchoring.

- a. All dwellings shall be placed on an excavated and backfilled foundation which encloses the perimeter so that the home is not more than 12 inches above grade on the uphill side of the home, except in areas where flood plain regulations requires a greater elevation.
- b. The perimeter enclosure will be a permanent structure constructed of concrete, cement block or masonry block.
- c. All dwellings shall be anchored to the ground in accordance to applicable state or federal requirements and/or flood plain requirements.
- d. Manufactured homes shall have wheels, axles and hitch mechanisms removed and be de-titled.

2. Main Entrance. At least one main entrance for each structure must:

- a. Be within 8 ft. of the longest street facing wall of the dwelling unit and one of the following:
  - (1). Face the street
  - (2). Be at an angle of up to 45 degrees from the street
- b. Open onto a porch or a covered entryway.
- c. Porches must meet all of the following requirements:
  - (1). Be at least 50 square feet in area
  - (2). Have at least one entrance facing the street
  - (3). Have a roof that is no more than 12 ft. above the floor of the porch
  - (4). Be at least 30 percent solid
  - (5). Have pillars, columns or wrapped posts with no exposed hardware unless the exposed hardware is an architectural feature (i.e. custom fabricated hardware intended to be visible as part of the look of the house)
- d. Covered entries must meet all of the following requirements:
  - (1). Be at least 32 square feet in area
  - (2). Have pillars, columns or wrapped posts with no exposed hardware unless the exposed hardware is an architectural feature (i.e. custom fabricated hardware intended to be visible as part of the look of the house)

3. Eyes on the Street.

- a. At least 15 percent of a street facing facade must be windows or doors.
- b. Windows in garage doors do not count toward meeting this standard unless the door is less than 27 square feet in area and faces the street property line.
- c. Windows in garage walls count toward meeting this standard.

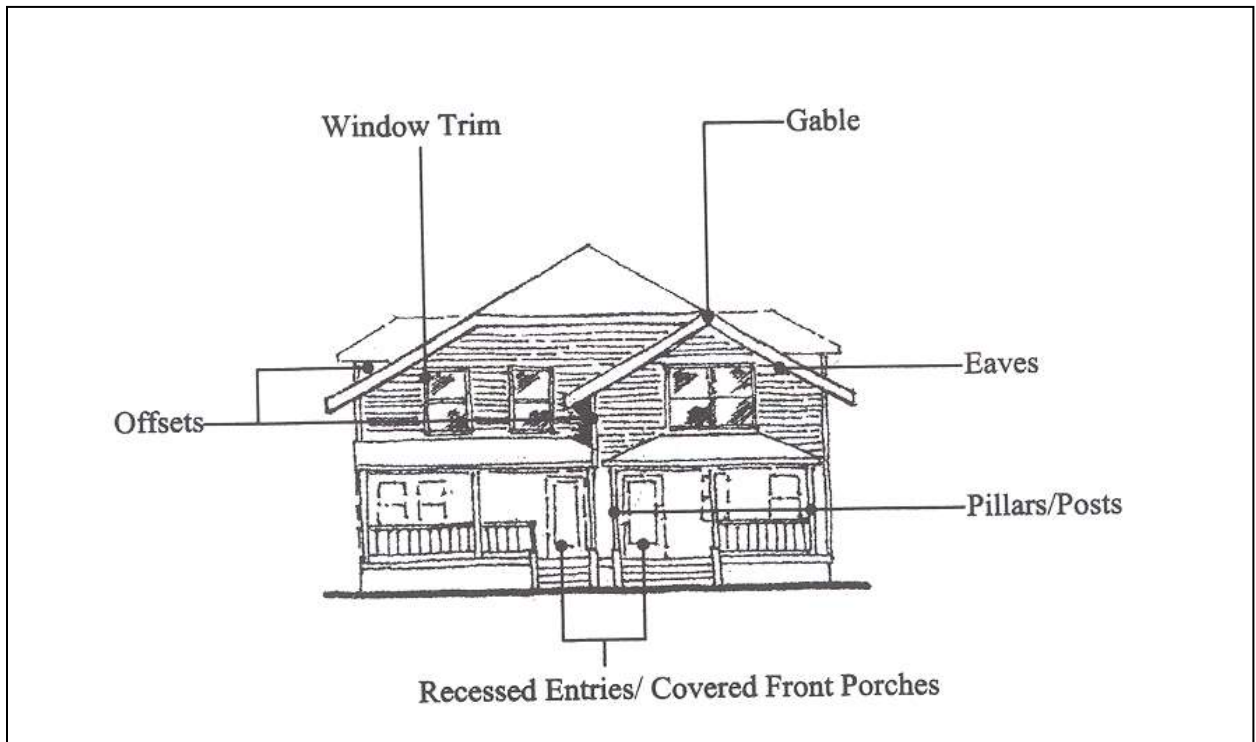
4. Roof pitch and eaves.

- a. The minimum roof pitch will be 4:12.
- b. The minimum eave projection is 12 inches.
- c. Eave distance is measured on a level plain from the exterior surface of the wall to the end of the rafter tail or the inside surface of the fascia board.

5. Exterior finish.

- a. Exterior finishes shall be of architectural grade materials.
- b. Plain concrete block, plain concrete, plywood, sheet pressboard, T-111, and corrugated metal are not allowed as exterior finish material except:
  - (1). Secondary finishes covering no more than 10 percent of the surface area of each façade (e.g. T-111 may be used in a board-and-bat finish).
  - (2). Trim must mark all building roof lines, porches, windows and doors on all facades. Buildings with an exterior material of masonry are exempt from this standard.

**Figure 03-30-3**  
**Examples of Architectural Details**  
**Single family Dwelling**



**6. Detailed Design.** If a dwelling is designed with a roof pitch greater than or equal to 6:12, then any street facing façade shall have at least four (4) of the following architectural features. If a dwelling is designed with a roof pitch less than 6:12, then any street facing façade shall have at least six (6) of the following architectural features:

- (1). Dormers
- (2). Gables
- (3). Recessed entries
- (4). Covered porch entries
- (5). Pillars or wrapped posts
- (6). Off-sets in building face or roof (minimum 16 inches)
- (7). Bay or Bow windows
- (8). Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
- (9). Decorative cornices and roof lines (e.g., for flat roofs).
- (10). Shutters
- (11). Architectural grade laminated shingles, cedar shakes or shingles, tile, slate, or copper (not including standard three-tab asphalt shingles).
- (12). Brickwork or masonry
- (13). An alternative feature providing visual relief, similar to options 1-12 (Must be approved by the Planning Director).

## **9-01.03-40 [General Commercial Zone]**

Purpose - The General Commercial Zone is intended to provide for the broad range of commercial operations and services required for the proper and convenient functioning of commercial centers serving large areas of the county. Uses permitted are intended to include all retail and service operations that may be appropriately located within a shopping district and that are normally required to sustain a community.

**A. Uses Permitted Outright-** In a GC zone the following uses and their accessory uses are permitted outright:

1. Retail or wholesale trade establishment;
2. Repair or maintenance service;
3. Office;
4. Personal or business service establishment;
5. Eating or drinking establishment;
6. Financial institution;
7. Amusement establishment.

**B. Conditional Uses Permitted-** In a GC zone the following uses and their accessory uses are permitted subject to the provisions of [Section 9-01.06](#) of this chapter:

1. A use permitted outright or as a conditional use in the GR zone;
2. Public or private athletic fields;
3. RV parks;
4. Railroad or other transportation facility passenger depot;
5. Public or semi-public buildings such as city government buildings, fire stations and power substations, and uses essential to the physical, economic, and social welfare of the area;
6. Single or multi-family dwelling units located on the second story of any permitted use as set forth in [Section 9-01.03-40.A](#) above.
7. Manufactured Home Park
8. Adult Entertainment as regulated by Title 10 (Ordinance 850)

**C. Standards-** In a GC zone the following standards shall apply, except as provided for in Section 9-01.05. Further, for lots that share a boundary with a residential zone, the side of the lot that shares the boundary shall have the same dimensional, development and design standards as the residential zone with which it shares the boundary.

1. The minimum lot size, shape and yards for residential uses in a GC zone, other than for a manufactured home park, shall be the same as in a GR zone;
2. The maximum height shall be 45 feet;
3. Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
4. Provisions for signage, parking, access and other relevant development standards shall be provided in compliance with City land use regulations.

**D. Prohibited Uses -** In a GC zone the following uses and their accessory uses are prohibited:

1. The use of an automobile travel trailer as a residence on individual lots.



## **9-01.03-50 [Downtown Zone]**

Purpose- The purpose of the Downtown Zone is to identify an area of the city as a vibrant commercial center with special uses, development types and design, which is different from the General Commercial Zone. The City wants to strengthen the Downtown Zone as the “heart” of the community, the logical place for people to gather, and the civic and business center. The Downtown Zone is intended to support this goal through elements of design and appropriate mixed-use development. This section provides standards for the orderly improvement of the Downtown Zone based on the following principles:

- Efficient use of land and urban services;
- A mixture of land uses to encourage walking as an alternative to driving, and provide more employment and housing options;
- Provide formal and informal community gathering places;
- A distinct storefront character which identifies the Downtown Zone;
- Connect to the residential neighborhoods and employment areas of the city;
- Provide visitor accommodations and tourism amenities; and
- Design standards that maintain and enhance the city’s historic architecture.

**A. Uses Permitted Outright** - In the Downtown Zone, the following land uses and building types shall be permitted outright:

1. Detached dwellings (existing housing only):
  - a. Replacement of existing housing is allowed when a home is destroyed or damaged beyond eighty percent (80%) of fair market value.
  - b. Replacement permits must be issued and construction begun within one (1) year’s time.
  - c. Replacement is allowed only by those who owned the property at the time of the destruction or damage;
3. Multi-family dwellings (four (4) or more units) attached (either above or behind) to a permitted non-residential use;
4. Home occupations;
5. Bed and Breakfast Establishments;
6. Churches and other places of worship;
7. Community building (clubs, lodges, similar uses);
8. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses);
9. Libraries, museums, community centers and similar uses;
10. Public parking lots and garages;
11. Private utilities;
12. Entertainment enclosed completely within a building (e.g., movie theaters, clubs, amusement uses);
13. Medical and dental offices, clinics and laboratories;
14. Office uses;
15. Personal and professional services (e.g., catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses);
16. Repair services enclosed within a building, except auto-dependent uses;
17. Retail trade and services, except auto-dependent uses. Auto-oriented uses are permitted provided any drive-up/drive-through windows are not located between the building and the street frontage;
18. Mixed use development (housing and other permitted use).

**B. Conditional Uses Permitted**- In the Downtown Zone, the following conditional uses and their accessory uses are permitted subject to the provisions of [Section 9-01.06](#) of this chapter:

1. Hotels;
2. Day care (includes both family day care: twelve (12) children or fewer, and commercial day care: more than twelve (12) children);
3. Light manufacturing (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail;
4. Uses similar to those listed above.

**C.** Only uses specifically listed above and similar uses are permitted in the Downtown Zone.

**D. Setbacks** -

**Purpose**- In the Downtown Zone, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable Downtown Zone.

**Application**- The standards, as listed below, apply to both primary structures and accessory structures. The standards may be modified only by approval of a variance, in accordance with the City's variance criteria and procedures in [Section 9-01.08-10](#).

**1. Front Setbacks-**

- a. **Minimum setback**- The minimum front setback is zero (0) feet;
- b. **Maximum setback**- The maximum allowable front setback is fifteen (15) feet. This standard is met when a minimum of seventy-five percent (75%) of the front building elevation is placed no more than fifteen (15) feet back from the front property line. On parcels with more than one (1) building, this standard applies to the building with the longest façade (in linear feet) facing the street. The maximum setback standard may be increased by fifty percent (50%) when a usable public space with pedestrian amenities (e.g., extra seating) is provided between the building and front property line (see [Paragraph 9-01.30-50.G.2](#) Pedestrian Amenities of this section).

**2. Minimum Rear Setback-**

- a. For street-access lots: zero (0) feet; and
  - b. For alley-access lots: eight (8) feet (measured from building to rear property line or alley easement) in order to provide space for parking at the rear of the building.
- 3. Minimum Side Setback:** There is no minimum side setback (zero (0) feet) required, except that fences and landscaping shall conform to the vision clearance standards in [Section 9-01.04-40](#) and the applicable fire and building codes for attached structures, fire walls, and related requirements.
- 4. Setback Exceptions:** Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features that encroach into setbacks must be reviewed by the Planning Commission and are subject to compliance with applicable standards of the International Building Code and Uniform Fire Code.

**E. Limitation of on Street-Level Housing**- In order to reserve storefront space for commercial uses and public/institutional uses, no more than fifty percent (50%) of the total linear street frontage of a single lot may be occupied by residential development, including doorways, garages and residential windows. This standard does not limit residential uses above the street level on upper stories, or behind street level storefronts. For lots with street access at more than one (1) level (e.g., sloping sites with two (2) street frontages), the limitation on residential building space shall apply to the combination of all street frontages.

- F. Maximum Building Height- Buildings shall be no more than thirty-five (35) feet in height. The maximum height may be increased by ten (10) feet when housing is provided above the ground floor (“vertical mixed use”). The building height increase for housing shall apply only to that portion of the building that contains housing.

<b><u>DT Zone Table 03-50-1</u></b>		
<b><u>Application of Site Development Review to the Downtown Zone</u></b>		
Applicable Use	Type of Review	
	Site Development Review Type I	Site Development Review Type III
1. Multi-family dwellings (four (4) or more units) located above or behind a permitted non-residential use: four (4) to ten (10) total units	Review Required	
2. Multi-family dwellings (four (4) or more units) located above or behind a permitted non-residential use: eleven or more total units		Review Required
3. Bed and breakfast inns	Review Required	
4. Churches and other places of worship		Review Required
5. Clubs, lodges, similar uses	Review Required	
6. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)	Review Required	
7. Libraries, museums, community centers and similar uses	Review Required	
8. Entertainment enclosed within a building (e.g., movie theaters, clubs, amusement uses)	Review Required	
9. Medical and dental offices, clinics and laboratories	Review Required	
10. Office uses	Review Required	
11. Personal and professional services (e.g., catering/food services, restaurants, Laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)	Review Required	
12. Repair services enclosed within a building, except auto dependent uses	Review Required	
13. Retail trade and services, except auto dependent uses	Review Required	
14. Mixed-use development (housing and other permitted uses)	Review Required	
15. Hotels		Review Required
16. Day care (all day care uses, regardless of number of children)		Review Required

17. Light manufacture (e.g., small scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail		Review Required
18. All other uses permitted as a conditional use		Review Required
19. All uses listed above as 3.-19. with a total building square footage greater than ten thousand (10,000) square feet		Review Required

**G. Design Standards-** In addition to City regulations for signage, parking, access and other site development requirements, the following additional standards apply in the Downtown Zone:

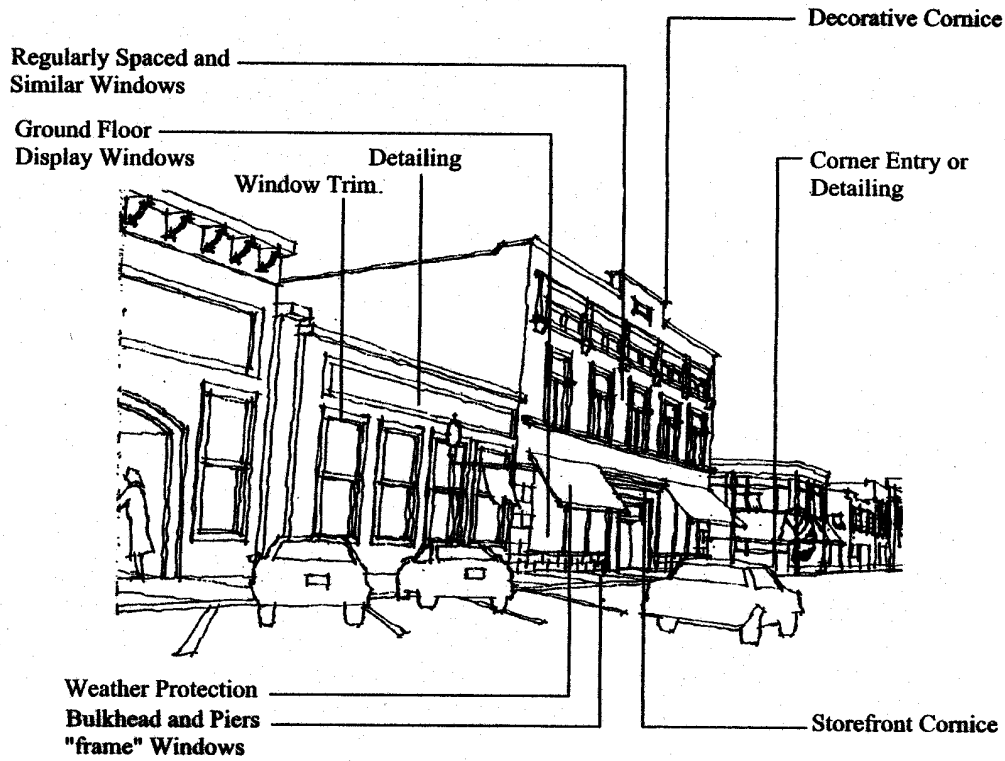
1. Detailed Storefront Design- All buildings shall contribute to the storefront character and visual relatedness of Bridge Street. This criterion is met by providing at least two (2) of the following architectural features along each building elevation that faces a street. [Note: the example shown on Figure 03-50-1 is meant to illustrate required building design elements, and should not be interpreted as a required architectural style.]
  - a. Corner building entrances on corner lots- Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
  - b. Regularly spaced and similar-shaped windows with window hoods or trim on all building stories.
  - c. Large transparent display windows comprising a minimum of thirty percent (30%) of the ground floor façade (non-residential uses only). Display windows shall be framed by bulkheads, piers and a storefront cornice (e.g., which separate ground floor from second story, as shown on Figure 03-50-1).
  - d. Decorative patterns on the exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features).
  - e. Decorative cornices and roof lines (e.g., for flat roofs).
  - f. Exterior finishes shall be of architectural grade materials.
  - g. Plain concrete block, plain concrete, plywood, sheet pressboard, T-111, and corrugated metal are not allowed as exterior finish material except as secondary finishes covering no more than 10 percent of the surface area of each facade. T-111 may be used in a board-and-bat finish.
2. Pedestrian Amenities- This section is intended to provide comfortable and inviting pedestrian spaces within the Downtown Zone. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the city's downtown, and contribute to a walkable district. Every development shall provide one (1) or more of the pedestrian amenities in items [9-01.03-50.G.2.a.-e.](#) below. Pedestrian amenities may be provided within a public right-of-way when approved by the jurisdiction responsible for the right-of-way.
 

[Note: The example shown in Figure 03-50-2 is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used.]

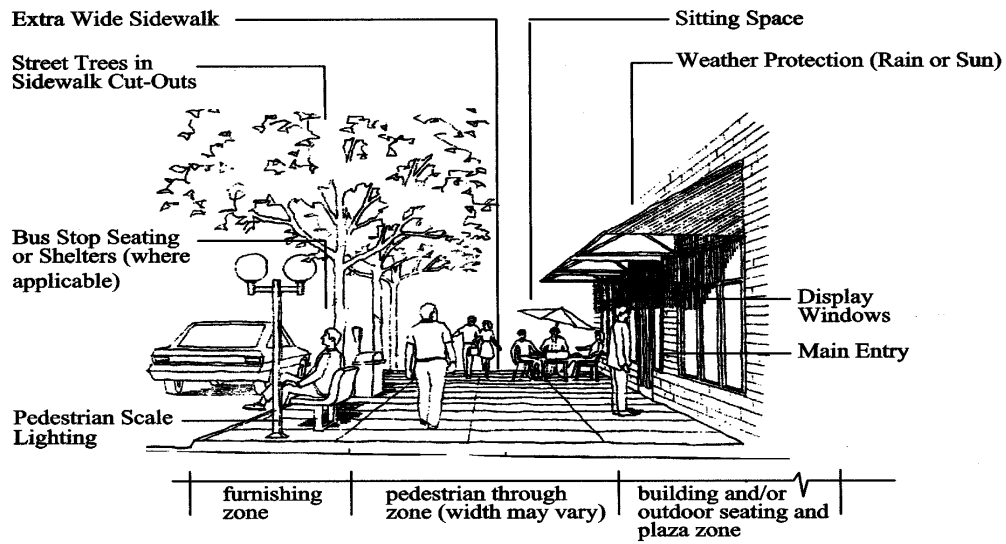
  - a. Building canopy, awning, pergola, or similar weather protection (minimum projection of four (4) feet over a sidewalk or other pedestrian space);
  - b. Hanging baskets, window boxes or groups of planters (totaling at a minimum of six (6) square feet of plant area) located along building façade;
  - c. Building entrance door or doorway that contains design elements such as a door pull, brass kick plate, and office signage or appropriate-scale lighting.;

- d. A courtyard, square or extra-wide sidewalk next to the building entrance (minimum area of sixty-four (64) square feet);
- e. Sitting space (i.e., dining area, benches or ledges) between the building entrance and sidewalk (minimum of sixteen (16) inches in height and thirty (30) inches in width).

**Figure 03-50-1 : [Example of Typical Downtown Building Design Elements]**



**Figure 03-50-2: [Example of Typical Pedestrian Amenities]**



## **9-01.03-60 [Light Industrial Zone]**

Purpose - The Light Industrial Zone is intended to provide for those manufacturing, warehousing, and sales operations which basically do not create objectionable amounts of noise, odor, dust, glare, vibration or truck or rail traffic.

**A. Uses Permitted Outright-** In an LI zone the following uses and their accessory uses are permitted outright:

1. Public utility structure;
2. Radio or television or other communication transmitter tower;
3. Repair and maintenance service of the type of goods found in retail trade establishments;
4. Animal hospital, provided no noise is audible greater than normally expected in an adjacent residential zone;
5. Wholesale, trucking and storage establishment;
6. Machine shop, cabinet shop;
7. Machinery, farm equipment, marine craft, motor vehicle sales, service and repair;
8. Building material storage yard;
9. Laboratory for equipment, materials or processes, research or testing;
10. Governmental buildings, including maintenance, repair, or storage facilities;
11. Plumbing, heating, electrical or paint contractors storage, repair or sales shop;
12. Tire retreading or vulcanizing shop;
13. Activities related to processing forest, agricultural and other products derived from permitted uses;
14. Manufacturing, repairing, compounding, research, assembly, fabricating, processing, packing, or storage activities provided such industrial land uses do not create a nuisance to adjacent residential zones because of excessive noise, smoke, odor, or gas and do not constitute a fire, explosion or other physical hazard.

**B. Conditional Uses Permitted-** In an LI zone the following conditional uses and their accessory uses are permitted subject to the provisions of [Section 9-01.06](#) of this chapter:

1. Automobile wrecking yard, junk yard;
2. Dwelling unit or mobile home accessory to a permitted use including, but not limited to accommodations for a caretaker, night watchman or owner of the business on the premises;
3. Biomass Electrical Generation Facility.

**C. Standards - In an LI zone the following standards shall apply:**

1. There shall be a maximum height limit of 45 feet.
2. Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
3. Provisions for signage, parking, access and other site development standards shall be provided in accordance with City land use regulations.

## **9-01.03-70 [Public Recreation]**

In a PR zone, the following regulations shall apply:

- A. Uses Permitted Outright-** In a PR zone use and betterment of the following and their accessory uses are permitted subject to the applicable provisions of Articles [9-01.04](#), [9-01.05](#), [9-01.06](#), and [9-01.12](#) of this chapter:
1. Parks and playgrounds, athletic fields, swimming and wading pools, golf courses, tennis courts, picnic areas, campgrounds, RV accommodations, or similar recreation facility intended for use by the public;
  2. Historical displays;
  3. Museum;
  4. Community buildings;
  5. Open space areas, greenways, greenbelts.
- B. Conditional Uses Permitted-** Expansion of existing facilities that would substantially increase overall capacity, or establishment of new facilities, may be permitted when authorized in accordance with the provisions of Articles [9-01.04](#), [9-01.05](#), [9-01.06](#), and [9-01.12](#) of this chapter.
1. Expansion of public parks and playgrounds, golf course, swimming pool or similar recreation facility.
  2. Expansion of historical displays.
  3. Expansion of museums.
  4. Expansion of any permitted use as listed in [9-01.03-70.A.1](#), through 9-01.03-70.A.5.
  5. Expansion of any new permitted use as list in [9-01.03-70.A.1](#), through 9-01.03-70.A.5.



## **9-01.03-80 [Planned Development Zone]**

A PD zone may be used only in combination with another zone. When a PD zone is combined with another zone, the following regulations shall apply:

- A. Purpose-** The purpose of the PD zone is to permit the application of new technology and greater freedom in design in land development than may be possible under a strict interpretation of the provisions of this code. The use of these provisions is dependent upon the submission of an acceptable plan and satisfactory assurances it will be carried out. Such plan should accomplish substantially the same objectives as are proposed by the Comprehensive Plan for the area.
- B. General Requirements-** The following requirements shall govern the use of a PD zone:
1. A PD zone may be established in combination with any other zone;
  2. A PD zone may contain only a planned development which has been approved in accordance with the provisions of this section;
  3. A planned development may include any uses permitted outright or conditionally in any zone with the following exceptions:
    - a. Residential uses shall not be permitted in an LI zone;
    - b. Uses permitted in an LI zone shall not be permitted in an R, GR, LDR, DT or GC zone;
  4. Requirements pertaining to area, density, yards, or similar dimensional standards shall be guided by the standards of the zone in which the planned development is proposed;
  5. No building shall exceed a height which is greater than forty-five (45) feet without voter approval in accord with the County ordinance. With voter approval, the Planning Commission may approve an allowable height of up to fifty percent (50%) greater than that of the maximum building height limitation of the zone in which the plan is proposed. Such height increases may be approved by the Planning Commission provided that the proposed height is not detrimental, incompatible or otherwise undesirable with respect to existing or future surrounding area development, and provided that one of the following can be found to exist:
    - a. That the height increase can be justified on the basis of unique lot characteristics, topographical conditions, or other natural features; or
    - b. That the height increase can be justified on the basis of amenities provided or concessions made by the developer for which some bonus incentive is warranted;
  6. For a planned development in a residential zone the total floor area of all commercial uses other than hotels, motels, trailer parks, resorts, and similar accommodations shall not exceed more than ten percent (10%) of the total floor area of the development. Any commercial uses shall be directly related in purpose and function to the remainder of the planned development;
  7. In a residential zone where commercial uses are being developed in conjunction with residential uses, construction of such commercial or industrial uses shall not be initiated until twenty-five percent (25%) of the residential units have been developed;
  8. A planned development shall have a minimum of 15,000 square feet, exclusive of street right-of-way.
- C. The Type III review procedure shall be used when a proposal for a planned development is submitted for consideration. In addition:**
1. An applicant shall submit at least five (5) copies of a preliminary plan of a planned development to the City Administrator or his/her designee for study at least thirty (30) days prior to the Planning Commission meeting at which it will be discussed. The preliminary plan shall include the following information:

- a. Proposed use, location, dimensions, height, and type of construction of all buildings. Proposed number of dwelling units, if any, to be located in each building;
  - b. Proposed circulation pattern including the location, width, and surfacing of streets, private drives, and sidewalks; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;
  - c. Proposed use of all open spaces including a plan for landscaping;
  - d. Proposed grading and drainage pattern;
  - e. Proposed method and plan for provision of water supply, sewage disposal, and electrical facilities;
  - f. Economic and supporting data to justify any commercial and industrial development in an area not so zoned;
  - g. Relationship of the proposed development to the surrounding area and to the Comprehensive Plan;
  - h. Proposed road improvements and supporting data to show that the proposed improvements are adequate for anticipated traffic.
2. Prior to consideration of the preliminary plan, copies shall be sent to any applicable agency or interest which may include the Columbia County Health Department; the City Engineering Department; the City Public Works Department; the County Engineering Department; any other utility districts or fire districts in the area where the proposed development would be located; any cities which may be affected by the proposed development; the State Highway Department; and to any other appropriate federal, state, or local agencies. Officials of these agencies shall be given at least ten (10) days to review the plan, suggest revisions, and return the plans to the City of Vernonia;
3. Planned Development Approval Criteria: The Planning Commission shall consider the preliminary development plan at a meeting, at which time the comments of persons receiving the plan for study shall be reviewed. In considering the plan, the Planning Commission shall seek to determine that:
  - a. There are special physical conditions or objectives of the development which warrant a departure from the standard code requirements;
  - b. The proposed development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area;
  - c. The area at least two hundred and fifty (250) feet from the outside boundary of the lot upon which the development is proposed, is or can be planned to be in substantial harmony with the proposal;
  - d. The plan can be completed within a reasonable period of time;
  - e. Any proposed commercial or industrial development can be justified economically;
  - f. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area;
  - g. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area;
4. The Planning Commission may approve, deny or recommend revision of the preliminary plan of the planned development;

5. If the preliminary plan for the planned development is approved, the Planning Commission may attach conditions it finds necessary to carry out the purposes of this chapter. These conditions may include the following:
    - a. Increasing the required setbacks;
    - b. Limiting the height of buildings;
    - c. Controlling the location and number of vehicular access points;
    - d. Establishing new streets, increasing the right-of-way of roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation system;
    - e. Increasing the number of parking spaces and improving design standards for parking areas;
    - f. Limiting the number, size, location, and lighting of signs;
    - g. Designating sites for open space and recreational development, and, in general improving landscaping requirements;
    - h. Requiring additional view obscuring screening or fencing;
    - i. Requiring performance bonds to assure that the planned development is completed as approved within the time limit as established by the Planning Commission;
    - j. Requiring appropriate contractual agreement with the County or with special districts to assure development of streets, curbs, gutters, sidewalks, and all utilities to acceptable standards;
  6. If the Planning Commission approves the preliminary plan of the planned development, the applicant may initiate a request for an amendment to the Zoning Map to establish a PD zone in combination with another zone. Amendment procedure shall be as specified in [Section 9-01.09-10](#) to [9-01.09-20](#) of this chapter. If the Planning Commission finds to the contrary, it may recommend the application be denied, or returned to the applicant for revision;
  7. If the Planning Commission denies a request for approval of a preliminary plan for a planned development, the applicant may appeal the decision to the City Council in accordance with the Type III appeal provisions. In the event that the City Council approves the preliminary plan, the City Council shall remand the application to the Planning Commission for reconsideration.
- D.** Approval of an amendment and any provisions of the approval to establish a PD zone shall constitute final approval of the plan for the planned development. Building permits for all or any portion of a planned development shall be issued on the basis of the approved plan. An application for a building permit shall be preceded or accompanied by submission of any required bonds or deeds for public dedication or contractual agreements for development or public facilities.
- E.** Any change in the approved plan shall be submitted to the Planning Commission for processing as an amendment to the ordinance in accordance with Section 9-01.10-60.
- F.** If no building permits have been issued within one (1) year of the date of final approval of the planned development, it shall be terminated unless a request to extend the time limit is approved by the Planning Commission.
- G.** Upon abandonment of a Planned Development, the Planned Development Zone may be nullified and further use of the property and structures thereon shall be in accordance with the existing zone.
- H.** If a development authorized under this section has not been substantially completed within 2 years from the date of its final approval and a request to extend the time limit has not been approved by the Planning Commission, the Planned Development Zone may be nullified and further use of the property and structures thereon shall be used in accordance with the existing zone.

## **9-01.03-90 Institutional Public Zone – IP**

### **A. Purpose**

The IP zoning district provides for major institutional and government activities such as schools, public parks, government offices utility structures, hospitals, correctional facilities and other similar public and quasi-public uses.

### **B. Permitted Uses**

All uses in the I/P Zone are reviewed as a Conditional Use.

### **C. Conditional Uses**

The following uses are permitted as conditional uses provided such uses meet the conditional use standards and are approved in accordance with Section 9-01.06:

1. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
2. Public use buildings, including but not limited to libraries, Museum's, community centers, and senior centers.
3. Cemeteries and crematory mausoleums.
4. Public recreational facilities, including but not limited to parks, playfields, golf courses, and sport and racquet courts.
5. Public and private schools providing education at the preschool level or higher, excluding commercial trade schools.
6. Public and private utilities, including but not limited to telephone exchanges, electrical substations, gas regulator stations, treatment plants water wells and public works yards.
7. Radio, television and similar communications stations, including transmitters and wireless communication towers.
8. Dwelling unit, including a manufactured home for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the Planning Commission.

### **D. Prohibited Uses**

The following use(s) are expressly prohibited:

1. Private lodges, fraternal organizations, country clubs, and other similar clubs.

#### E. Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement existing on or after the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Variances, Section 9- 01.08

##### 1. Lot Dimensions

Except as otherwise provided, no minimum lot areas or dimensions are required.

##### 2. Setbacks

Except as otherwise provided in Section 9-01.05-60, the minimum required setbacks in the IP zone shall be:

- a. Front yard: None, except that when the lot abuts a residential zone or public park property, the setbacks shall be a minimum of twenty (20) feet.
- b. Side yard: None, except that when the lot abuts a residential zone or public park property, the setbacks shall be a minimum of twenty(20) feet.
- c. Rear yard: None, except that when the lot abuts a residential zone or public park property, the setbacks shall be a minimum of twenty (20) feet.

##### 3. Height

Except as otherwise provided, or as otherwise determined by the Planning Commission the maximum height of buildings in the IP zone shall be thirty-five (35) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the average height of surrounding uses in that zone.

#### F. Development Standards

All development in the IP zone shall comply with the following standards where relevant:

1. Off-street parking in compliance with Section 9-01.04-50
2. Signs in compliance with Section (Ordinance 804)
3. Site development review in compliance with Section 9-01.10-10

## **9-01.04 [Supplementary Provisions]**

### **9-01.04-10 [Maintenance of Minimum Code Requirements]**

The provisions of section 9-01.02-10 describe code compliance standards.

### **9-01.04-20 [Access]**

Every lot shall abut a street, other than an alley, for at least twenty-five (25) feet.

### **9-01.04-30 [General Provisions Regarding Accessory Uses]**

An accessory use shall comply with the requirements for a principal use, except as this code specifically allows to the contrary.

### **9-01.04-40 [Fences]**

Prior to construction of a fence, the applicant shall file a fence permit application with the City in accordance with the Type I review provisions. A fence or hedge within a front yard, and within 20 feet of the street side yard closest to the street intersection, shall not exceed an elevation four (4) feet above grade. Otherwise, fences may not exceed six (6) feet in height.

## **9-01.04-50 [Off-Street Parking and Off-Street Loading Requirements]**

At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas, and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established.

- A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
- B. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
- C. Owners of two (2) or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases, or contracts to establish the joint use.
- D. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- E. Areas used for standing and maneuvering of vehicles shall have durable surfaces maintained adequately for all-weather use and be so drained as to avoid flow of water across public sidewalks.
- F. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five (5) nor more than six (6) feet in height except where vision clearance is required.
- G. Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four (4) inches high and set back a minimum of four and one-half (4½) feet from the property lines.
- H. Parking spaces shall be identified by stripping or a physical barrier or a combination of the two.
- I. Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.
- J. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movements or other maneuvering, within a street other than an alley, will be required.
- K. Passenger Loading- A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.
- L. Loading of Merchandise, Materials, or Supplies- Buildings or structures which receive and distribute materials or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this code may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.

## **1. Off-Street Parking Space Requirements:**

- |   |   |
|---|---|
| <b>2. Boarding, lodging, or rooming house:</b>  | One (1) space for each guest accommodation;   |
| <b>3. Motel, hotel, or group cottages:</b>  | One (1) space for each guest accommodation;   |
| <b>4. Hospital, nursing home, or similar institution:</b>   | One (1) space for each patient/guest accommodation;   |
| <b>5. Church, club, or similar place of assembly:</b>   | One (1) space for each four (4) seats, or one (1) space for each fifty (50) square feet of floor area used for assembly;    |
| <b>6. Library</b>   | One (1) space for each three hundred (300) square feet of floor area;   |
| <b>7. School</b>  | <b>0.2 spaces per student and staff, plus a reduction of 25% for legally documented shared parking;</b>                     |
| <b>8. Dancehall, skating rink:</b>  | One (1) space for each seventy five (75) square feet of floor area;   |
| <b>9. Bowling alley:</b>  | Six (6) spaces for each alley;  |
| <b>10. Retail store, eating and drinking establishment:</b>   | One (1) space for the first two-hundred (200) square feet of floor area, and one space for each additional 100 square feet; |
| <b>11. Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture:</b> | One (1) space for each six hundred (600) square feet of floor area;   |
| <b>12. Bank, office:</b>  | One (1) space for each five hundred (500) square feet of floor area;  |
| <b>13. Medical and dental clinic:</b>   | One (1) space for each one hundred (100) square feet of floor area;   |
| <b>14. Warehouse, storage, floor and Wholesale business:</b>  | One (1) space for each two thousand (2,000) Square feet of or storage area;   |
| <b>15. Manufacturing establishment:</b>   | One (1) space for each one thousand (1,000) Square feet of floor area.  |

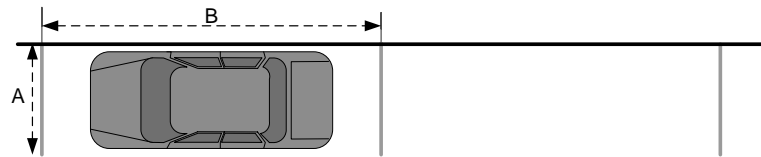


**M. Compact parking spaces:** No more than 25% of the parking spaces in a parking area or lot may be allocated to compact car parking. No compact car spaces are allowed in a parallel parking configuration.

**N. Dimensional requirements:** The minimum parking space and aisle dimensions for the most common parking angles are shown below. For parking angles and configurations other than those show, the minimum parking space length and driving aisle dimensions shall be determined by the Planning Director. Regardless of the parking angle, one-way aisles shall be at least 16 feet wide, and two-way aisles shall be at least 22 feet wide.

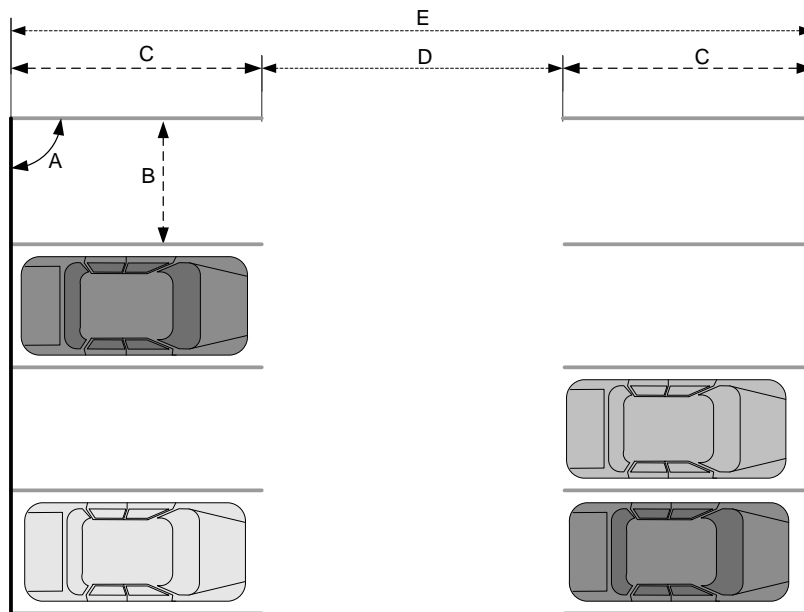
### Parking Configurations:

Parallel, (0 degree) - The minimum dimensional requirements for parallel parking spaces are:



- |                          |         |
|--------------------------|---------|
| A. Parking space width:  | 8 feet  |
| B. Parking space length: | 28 feet |

Perpendicular (90-Degree), - The minimum dimensional requirements for this configuration are:



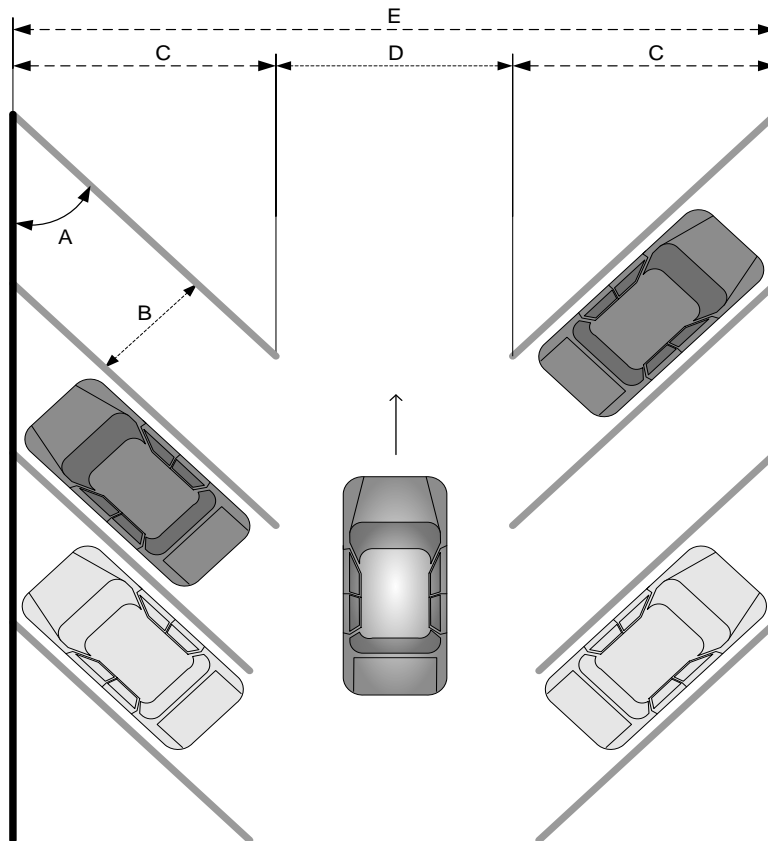
## STANDARD PARKING SPACE

A. Parking angle	90 degree
B. Standard parking space width:	10 feet
C. Standard parking space length:	20 feet
D. Driving aisle width:	24 feet
E. Total module width:	64 feet

## COMPACT PARKING SPACE

A. Parking angle	90 degree
B. Compact parking space width:	8 feet
C. Compact parking space length:	16 feet
D. Driving aisle width:	24 feet
E. Total module width:	56 feet

Angled parking with one-way driving aisle (30, 45 or 60 degree), - The minimum dimensional requirements for this configuration:



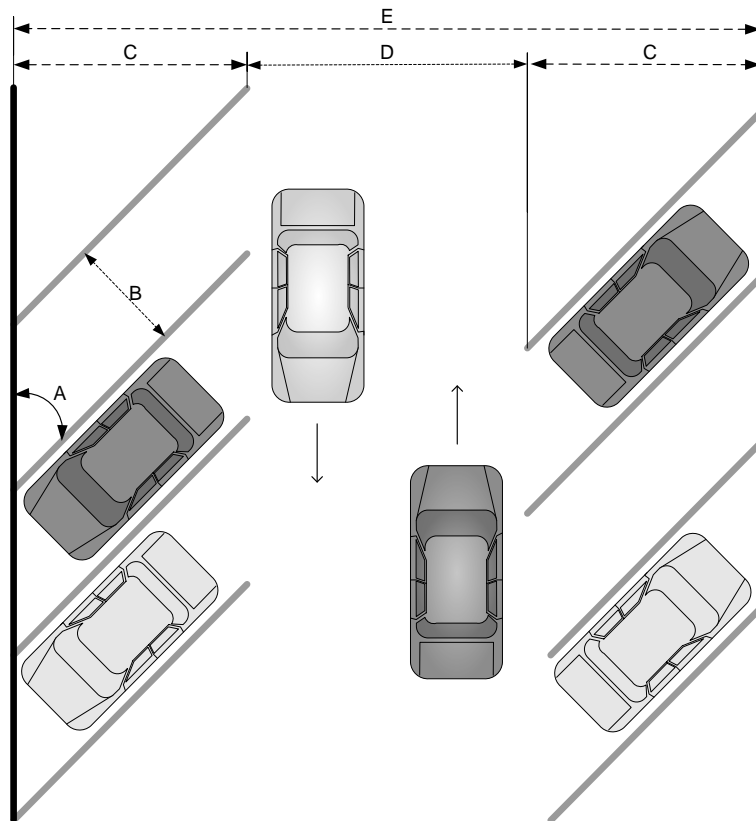
**FOR STANDARD PARKING:**

A. Parking Angle (degree)	B. Standard parking space width (feet)	C. Standard parking space length (feet)	D. Driving aisle width (feet)	E. Overall module width (feet)
30	10	18	16	52
45	10	21	18	60
60	10	20	18	58

**FOR COMPACT CAR PARKING:**

A. Parking Angle (degree)	B. Compact parking space width (feet)	C. Compact parking space length (feet)	D. Driving aisle width (feet)	E. Overall module width (feet)
30	8	15	16	46
45	8	17	18	52
60	8	16	18	50

Angled parking with two-way driving aisle (30, 45 or 60 degree), - The minimum dimensional requirements for this configuration are:



**FOR STANDARD PARKING:**

A. Parking Angle (degree)	B. Standard parking space width (feet)	C. Standard parking space length (feet)	D. Driving aisle width (feet)	E. Overall module width (feet)
30	10	18	22	58
45	10	21	22	64
60	10	20	24	64

**FOR COMPACT CAR PARKING:**

A. Parking Angle (degree)	B. Compact parking space width (feet)	C. Compact parking space length (feet)	D. Driving aisle width (feet)	E. Overall module width (feet)
30	8	15	22	52
45	8	17	22	56
60	8	16	24	56

## **9-01.04-60 [Slope Hazard and Riparian Development Guidelines]**

- A. Development in areas of steep hillside or landslide hazard shall require a site inspection report from a qualified professional geologist or engineer or other acceptable authority prior to consideration of development request. Conditions for safe construction recommended in the report shall be required by the City Building Inspector.
- B. Riparian Area Development Standards- Riparian area is the area adjacent to a river, lake, or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.
  - 1. Along streams with average annual stream flow greater than one thousand (1,000) cubic feet per second (cfs) the riparian area shall be seventy-five (75) feet upland from the top of each bank.
  - 2. Along all lakes, and fish-bearing streams with average annual stream flow less than one thousand (1,000) cfs, the riparian area shall be fifty (50) feet from the top of bank.
  - 3. Where the riparian area includes all or portions of a wetland, the distance to the riparian area boundary shall be measured from, and include the upland edge of the wetland.
  - 4. Permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces shall be prohibited, except for the following uses provided they are designed to minimize intrusion into the riparian area:
    - a. Streets and roads, drainage facilities and utilities;
    - b. Water-related and water-dependent uses.
  - 5. Removal of riparian vegetation shall be prohibited except for removal of nonnative vegetation and replacement with native plant species or removal of vegetation necessary for the development of water-related or water-dependent areas.
  - 6. Hardship variances, claims of map error, or reduction or removal of the prohibitions under [Paragraph 9-01.04-60.B.4](#) or [9-01.04-60.B.5](#) above for any property demonstrated to have been converted to an unbuildable lot by application of this section, shall be considered under [Article 9-01.08](#) of this chapter.
  - 7. The City shall consider the standards of the State Forest Practices Act and the requirements of the Department of State Lands and the US Army Corps of Engineers before approving any action for stream channel changes, stream protection and maintenance of productivity and related values or for any other activity affecting the riparian areas defined by this section. Enhancement or restoration of such areas shall be encouraged.
- C. **Development in Wetlands:** See Section 9-06

## **9-01.04-70 Temporary Uses**

A. Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to, construction trailers, temporary emergency housing, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas trees and vegetable stands, and personal storage units (POD's). Three types of temporary uses require permit approval.

1. Seasonal and Special Events. These types of uses occur only once in a calendar year and for no longer than a period of 30 days. The decision is made in accordance with the Type I permit provisions. The City shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:
  - a. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g. prior development approval);
  - b. The applicant has proof of the property owners permission to place the use on his/her property;
  - c. No parking shall be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under Section 9-01.04-50;
  - d. The use provides adequate vision clearance per city requirements, and shall not obstruct pedestrian access on public streets;
  - e. Ingress and egress are safe and adequate when combined with other uses of the property; as required by City vehicular access and circulation standards;
  - f. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use; and
  - g. The use is adequately served by sewer or septic system and water, if applicable. The applicant shall be responsible for obtaining any related utility permits.
2. Temporary Sales Office or Model Home. In accordance with the Type I permit provisions, the City may approve, approve with conditions or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:
  - a. Temporary sales office:
    - (1) The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold;
    - (2). The property to be used for a temporary sales office shall not be permanently improved for that purpose;
    - (3). Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety or welfare.

b. Model House:

- (1) The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
- (2) The model house shall be designed as a permanent structure that meets all relevant requirements of this code and other applicable codes and permit requirements.

c. Emergency Temporary Housing: In addition to the Flood Protection provisions of Section 09-01.10-80 A 4, emergency temporary housing:

- (1) May include portable emergency housing, recreational vehicles, trailers and other approved units.
- (2) Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety or welfare.

3. Temporary Building, Trailer or Structure. Temporary or permanent placement of a building, trailer, storage unit, or structure, including but not limited to prefabricated building(s), for use on any real residential, commercial, institutional or Industrial Property within the City shall require a development permit. In accordance with the Type II permit provisions, the City may approve, approve with conditions or deny an application for a placement of a building, trailer, or structure for temporary use, or temporary placement subject to the following criteria:

- a. The temporary use shall be located within the specified property line setbacks of the parcel of land on which it is located;
- b. The primary use on the property to be used for a temporary structure is already developed;
- c. Ingress and egress are safe and adequate as demonstrated by an approach permit approved by the road authority, as applicable and in accordance with City vehicular access and circulation standards;
- d. There is adequate parking for the customers or users of the temporary use as required by Section 9-01.04-50;
- e. The use will not result in vehicular congestion on streets;
- f. The use will pose no impediment or hazard to pedestrians in the areas;
- g. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;
- h. The use of personal storage units (POD's), and other movable structures or objects identified by flood regulations, may not be located in the floodplain between the November 1 and May 1 flood season. During all other times they may be located in the flood plain only after obtaining a Flood Plain Permit per Section 9-05 Flood Hazard Reduction.
- i. The use can be adequately served by sewer or septic system and water, if applicable. The applicant shall be responsible for obtaining any related permits;

- j. The length of time that the temporary use will be used does not exceed 6 months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit, and;
- k. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.



## **9-01.05 [Exceptions]**

### **9-01.05-10 [General Exceptions to Lot Size Requirements]**

If a property ownership, consisting of the entire contiguous land holdings held in a single ownership has an area of dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone suited to the other requirements of the zone, provided that if there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the zone. The record of ownership as recorded in the office of the County Clerk at the time of passage of this code shall be the basis for application of this exception unless the owner submits proof that a different ownership existed at the time the provisions of this code became applicable to the land concerned.

### **9-01.05-20 [General Exceptions to Setback Requirements]**

The following exceptions to setback requirements are authorized for a lot in any zone.

- A. If there is a building on one (1) abutting lot which is within fifty (50) feet of the lot, and this building has a front yard setback less than that required by the zone, the minimum front yard setback shall be 50% of the difference between the front setback of the abutting lot and the required setback for the zone.
- B. Structures that have been elevated in order to avoid flood hazards in compliance with the National Flood Protection (NFP) flood elevation standards, are allowed a reduced building setback where necessary to construct typical stairways, porches, decks or other essential access or safety elements of the structure. The setback reduction shall be reasonable, compatible with the structure and aesthetic in appearance as determined by the City Manager or his/her designee.

### **9-01.05-30 [General Exceptions to Building Height Limitations]**

Vertical projections such as chimneys, spires, domes, elevator shaft housing towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this code.

### **9-01.05-40 [Projections from Buildings]**

An architectural feature of a structure shall not project more than two feet into the required setback. Where architectural features project more than two feet into the allowable setback area, the setback distance shall be measured from the property line to the architectural feature.

### **9-01.05-50 [Authorization of Similar Uses]**

In accordance with the Type III permit provisions, the Planning Commission may permit in a particular zone a use not listed in this code, provided the use is of the same general type as the uses permitted there by this code. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

## 9-01.06 [Conditional Uses]

### **9-01.06-10 [Authorization to Grant or Deny Conditional Uses]**

A conditional use listed in this code may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this article. A change in use or lot area, or an alteration of structure shall conform to the requirements for a conditional use. Review of a Conditional Use is a Type III permit procedure.

- A. **Purpose.** A use is designated as a conditional is within a given zone when it is judged to be generally in line with the purpose of the zone, but for which could, if not reviewed, have a negative impact on other properties or uses within the zone. The purpose of such a review is to assure adequate site design and compatibility with surrounding uses and property.
- B. **Additional Conditions.** In permitting a new conditional use or the alteration of an existing conditional use the Planning Commission may impose, in addition to those standards and requirements expressly specified by this code, additional conditions which the Planning Commission considers necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include but are not limited to the following:
  - 1. Increasing the required lot size, setback dimensions, and lot depth or width;
  - 2. Limiting the height, lot coverage, size or location of buildings;
  - 3. Designating the size, number, location design and/or number of vehicle access points or parking areas;
  - 4. Limiting the hours, days, place and/or manner if operation.
  - 5. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations;
  - 6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
  - 7. Increasing the number of required off-street parking spaces;
  - 8. Limiting the number, size, location and lighting of signs;
  - 9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
  - 10. Requiring dikes, berms, screening or landscaping for the protection of adjacent or nearby property, and the establishment of standards for their installation and maintenance;
  - 11. Requiring and designating the size, height, location and/or materials for fences;
  - 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, historic resources, cultural resources, and/or sensitive lands;

13. Requiring the designating of open space and/or dedication of sufficient land to the public, and/or construction of a pedestrian/bicycle pathway in accordance with the adopted plans of the City.

C. Site Design Standards. If a Conditional Use is approved by the Planning Commission a request for Site Design Review approval in accordance with Section 9-01.10 may be made simultaneously.

D. Conditional Use Approval Criteria. The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings with respect to each of the following standards and criteria:

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.

E. Concurrent Variance Application(s). A conditional use permit shall not grant a variance to regulations otherwise prescribed by the Development Code. Variance applications may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.

### **9-01.06-20 [Manufactured Home Park Conditional Use Standards]**

A. In addition to the standards of the zone in which the conditional use is located and the other standards of this code, a manufactured home park approved as a conditional use shall meet the following standards:

1. Each space for each manufactured home shall provide underground connections for potable water, electricity and sanitary sewer.
2. All water, sewer and electrical systems provided for the manufactured home shall comply with all standards for these systems as established by the City of Vernonia, County of Columbia and State of Oregon.
3. The space provided for each manufactured home shall be not less than 5000 square feet. The measurement of each manufactured home space excludes roadway areas, facilities, structures, parking spaces, park walkways and other spaces provided for the common use of tenants.
4. Not more than 50 percent of the space provided shall be covered by buildings or impervious surfaces.

5. Minimum setbacks.
  - a. The minimum front setback is 10 feet.
  - b. The minimum side setback is 5 feet.
  - c. The minimum rear setback is 10 feet.
6. Each space shall have a garage or carport with minimum 8 foot by 10 foot enclosed storage space.
7. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park shall be equal to not less than 3.0 parking spaces per manufactured home space. Parking spaces shall be paved with asphalt, concrete or similar material.
8. No manufactured home shall be placed upon a lot in said area unless it has the Oregon State Seal of Approval or equivalent. No manufactured home shall be over 5 years old at the time of installation.
9. A manufactured home situated in the park shall be, within 48 hours of its arrival in the park, securely anchored to footings or other devices intended to minimize the probability that the manufactured home shall be overturned or displaced by a wind.
10. A manufactured home permitted in the park shall contain not less than 1000 square feet.
11. Foundation and anchoring.
  - a. All dwellings shall be placed on an excavated and backfilled foundation which encloses the perimeter so that the home is not more than 12 inches above grade on the uphill side of the home, except in areas where flood plain ordinance requires a greater elevation.
  - b. The perimeter enclosure will be a permanent structure constructed of concrete, cement block or masonry block.
  - c. All dwellings shall be anchored to the ground in accordance to flood plain requirements and/or applicable state or federal requirements.
12. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.
13. That portion of the parcel of land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height. Such fence or hedge shall be maintained in a neat appearance.
14. The roadways in the park are covered with well drained and hard surfaced material and are at least 24 feet in width if no parking is permitted on the roadways or at least 40 feet in width if parking is permitted on the roadways.
15. If the park provides spaces for 50 or more manufactured home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance

to those used to identify public streets in the city. A map of the named vehicular ways shall be provided to the fire department of the city.

16. The park shall be provided with hydrants so that no space or structure within the park shall be more than 500 feet from a hydrant. Each hydrant shall be located on a vehicular way within the park and shall conform in design and capacity to the public hydrants in the city.

#### **90-01.06.30 [Recreational Vehicle Park Standards.]**

A. In addition to the standards of the zone in which the conditional use is located and the other standards of this ordinance, a recreational vehicle park shall meet the following standards:

1. Each space for each recreational vehicle shall provide connections for underground potable water, electricity and sanitary sewer. If provided, all water, sewer and electrical systems provided for the recreational vehicle shall comply with all standards for these systems as established by the City of Vernonia, County of Columbia and State of Oregon.
2. The space provided for each recreational vehicle shall be not less than 1600 square feet. The measurement of each recreational vehicle space excludes community roadway areas, facilities, structures, parking spaces, park walkways and any other spaces provided for the common use of tenants.
  - a. Adjacent to and parallel to the recreational vehicle space, one or more patio slabs of concrete, asphalt, flagstone or similar material, which singly or in combination, total not less than 120 square feet. Such patio space may not be used for the parking of vehicles
  - b. No less than 25% of the available spaces shall provide a parking pad which totals not less than 12 feet by 50 feet.
  - c. No less than 25% of the available spaces shall provide a parking pad which totals not less than 12 feet by 30 feet.
  - d. The remaining 50% of the available spaces may utilize any pad size in between the above dimensions
  - e. Each space must provide a minimum of one (1) additional standard parking space as defined in section 4.050
3. No recreational vehicle in the park shall be located closer than 15 feet from another recreational vehicle or from a building in the park or closer than 10 feet from a property line.
4. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to not less than two (2) parking spaces per recreational vehicle space. Parking spaces shall be paved with asphalt, concrete or similar material.
5. All recreational vehicles shall have current license, registration and insurance that meets the requirements of the state of origin.

6. A recreational vehicle equipped with stabilization devices must deploy such devices within two (2) hours of arrival at the park.
7. A recreational vehicle will not be permitted in the park for more than 30 days except by conditional use permit.
8. No permanent structure shall be added to a recreational vehicle.
9. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park, excepting items typically considered camping equipment such as lawn chairs, folding tables, barbeque grills, etc.
10. That portion of the parcel of land which is used for park purposes, if adjoining a residential area or highway, shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height. Such fence or hedge shall be maintained in a neat appearance.
11. All roadways in the park shall be covered with well drained and hard surfaced material.
12. The roadways in the park that are for one-way traffic only shall be at least 16 feet in width if no parking is permitted and 24 feet in width if parking is permitted on the roadway.
13. The roadways in the park that are for two-way traffic shall be at least 24 feet in width if no parking is permitted on the roadways or at least 40 feet in width if parking is permitted on the roadway.
14. If the park provides spaces for 50 or more recreational vehicle units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets in the city. A map of the named vehicular ways shall be provided to the fire department of the city.
15. The park shall be provided with hydrants so that no space or structure within the park shall be more than 500 feet from a hydrant. Each hydrant shall be located on a vehicular way within the park and shall conform in design and capacity to the public hydrants in the city.

#### **9-01.06-40 [Procedure for Taking Action on a Conditional Use Application]**

The procedure for taking action on a conditional use application shall be as follows:

- A. A property owner may initiate a request for a conditional use by filing an application with the City Recorder.
- B. Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in [Section 9-01.10-60](#).
- C. Within five (5) days after a decision has been rendered with reference to a conditional use application, the City Recorder shall provide the applicant with written notice of the decision of the Commission.

**9-01.06-50 [Time Limit on a Permit for a Conditional Use]**

Authorization of a conditional use shall be void after one (1) year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year on request.

## **9-01.07 [Nonconforming Uses]**

### **9-01.07-10 [Continuation of a Nonconforming Use]**

Except as indicated in [Section 9-01.07-20](#), below, a nonconforming use or structure may be continued but may not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this code.

### **9-01.07-20 [Exception for Homes on Individual Lots in Residential Zones]**

[Section 9-01.07-10](#) does not apply to homes appearing on individual lots in any residential zone so long as such mobile home appeared on such lot prior to the adoption of these provisions. Such pre-existing, nonconforming homes may be repaired for upgrading purposes and may continue as a pre-existing, nonconforming use provided they meet standards as prescribed by the City Council prior to replacement or repair. If a nonconforming use is replaced it shall be done in accordance with the provisions in this section.

### **9-01.07-30 [Discontinuance of Nonconforming Use]**

If a nonconforming use is discontinued for a period of one (1) year, further use of the property shall conform to this code.

### **9-01.07-40 [Change of Nonconforming Use]**

If a nonconforming use is replaced by another use, the new use shall conform to this code.

### **9-01.07-50 [Destruction of Nonconforming Use]**

If a nonconforming structure or structure containing a nonconforming use is destroyed by any cause to an extent exceeding eighty percent (80%) of its fair market value as indicated by the records of the County Assessor, a future structure or use on the site shall conform to this code.

### **9-01.07-60 [Completion of Structure]**

Nothing contained in this chapter shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued by the City and construction has commenced prior to the adoption of this code, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the permit is issued.

### **9-01.07-70 [Enlargement or Expansion of a Nonconforming Use]**

A nonconforming use that existing at the time that zoning was adopted in the area of such use, or changed in the area, may be expanded if such expanded use is not detrimental to public health, safety and welfare and determined by the Planning Commission to be proportional to the growth of the community, in accordance with the Type III permit provisions.



## **9-01.08 [Variances]**

### **9-01.08-10 [Authorization to Grant or Deny Variances]**

The Planning Commission may authorize a variance from the requirements of this code where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the code would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this code. The review of a variance shall be in accordance with the Type III permit provisions.

### **9-01.08-20 [Circumstances for Granting a Variance]**

A variance may be granted only in the event that all of the following circumstances exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot sizes or shape, topography or other circumstances over which the owners of property since enactment of this chapter have had no control.
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
- C. The variance would not be materially detrimental to the purposes of this code, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
- D. The variance requested is the minimum variance which would alleviate the hardship.

### **9-01.08-30 [Procedure for Taking Action on a Variance Application]**

The procedure for taking action on an application for a variance shall be as follows:

- A. A property owner may initiate a request for a variance by filing an application with the City Recorder, using forms prescribed pursuant to [Section 9-01.10-40](#).
- B. Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon, following procedure as established in [Section 9-01.10-40](#).
- C. Within five (5) days after a decision has been rendered with reference to a variance application, the City Recorder shall provide the applicant with written notice of the decision of the Commission.

### **9-01.08-40 [Time Limit on a Permit for a Variance]**

Authorization of a variance shall be void after one (1) year unless substantial construction has taken place. However the Planning Commission may extend authorization for an additional period not to exceed one (1) year, on request.

## **9-01.09 [Amendments]**

### **9-01.09-10 [Authorization to Initiate Amendments]**

An amendment to the text of this chapter or to a zone boundary may be initiated only by the City Council, the City Planning Commission, application by the owner of the subject property, or application by one who has executed a written agreement with the property owner to acquire the subject property. The request by a property owner or the intended purchaser for an amendment shall be accomplished by filing an application with the City Recorder.

### **9-01.09-20 [Public Hearing on Amendments]**

The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall within forty (40) days after the hearing, recommend to the City Council approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.

### **9-01.09-30 [Record of Amendments]**

The City Recorder shall maintain records of amendments to the text of this chapter and the zoning map.

### **9-01.09-40 [Limitations on Reapplication]**

No application of a property owner for an amendment to the text of this chapter or to a zone boundary shall be considered by the Planning Commission within the one (1) year period immediately following a previous denial of such request, except the Planning Commission may permit a new application if in the opinion of the Planning Commission new evidence or a change of circumstances warrant it.

## **9-01.09-50 Comprehensive Plan Map Amendment**

### **A. Applicability**

The Comprehensive Plan Map designates property for long term development purposes. A Plan Map amendment is required to change the designation of property.

### **B. Process**

Amendments to the Comprehensive Plan map shall be reviewed in accordance with the Type IV review procedures specified in Section 9-01.10-60.

**Special Notice Requirements.** If a zone change request would change the zone of property which includes all or part of a manufactured home park, the City shall give written notice by first class mail to each existing mailing address for tenants of the mobile or manufactured home park at least 20 days before the date of the first hearing on the application. The failure of the tenant to receive a notice which was mailed shall not invalidate any zone change.

### C. Application

An application for a map amendment shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Notice shall be subject to the provisions in Section

### D. Decision Criteria

Plan map amendment proposals shall be approved if the applicant provides evidence substantiating the following:

1. Compliance is demonstrated with the Statewide Land Use Goals that apply to the subject properties or to the proposed land use designation. If the proposed designation requires an exception to the Goals, the applicable criteria in the LCDRC Administrative Rules for the type of exception needed shall also apply.
2. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated, including compliance with the City Transportation Master Plan, Parks and Open Space Plan, Water Master Plan and Storm Water Master Plans.
3. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.
4. The Plan provides more than the projected need for lands in the existing land use designation.
5. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity or significantly adversely affect existing or planned uses on adjacent lands.

6. Public facilities and services necessary to support uses allowed in the proposed designation are available or will be available in the near future.

7. Amendments Affecting the Transportation System:

8. When a development application includes a proposed comprehensive plan amendment, zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility. An amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Vernonia Transportation Master Plan; or
- (b) Changes standards implementing a functional classification system; or
- (c) Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
- (d) Reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation Master Plan.

E. Amendments That Affect Transportation Facilities:

Comprehensive plan, zoning map and land use regulation amendments which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation Master Plan. This shall be accomplished by one of the following:

- (1) Amending the TMP to ensure that existing, improved or new transportation facilities are adequate to support the proposed land uses consistent with the requirements of the state transportation planning rule (TPR); or
- (2) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
- (3) Limiting allowed land uses to be consistent with the planned function of the transportation facilities; or
- (4) Amending the Transportation Master Plan to modify the planned function, capacity and performance standards, as needed to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multi-modal travel choices are provided.

## **9.01.09.60 Zone Map Amendments**

### **A. Applicability**

The Zone Map establishes zone for individual properties. A zone change approval is required to change the zoning of any property.

### **B. Process**

Zone changes shall be reviewed in accordance with the Type III review procedures specified in Section

### **C. Application**

An application for a zone change shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Quasi-Judicial amendments to the Zone Map shall be in accordance with the Type III permit provisions and Legislative Amendments to the Zone Map shall be subject to the Type IV provisions.

### **D. Decision Criteria**

Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

1. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.
2. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
3. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Code.
4. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property, in accordance with the City of Vernonia Street, Park and Utility Master Plans.
5. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

E. Imposition of Conditions. Approval of a zone change application may be conditioned to require provisions for buffering or provision of off-site public facilities. In order to impose conditions on a zone change, findings must be adopted showing that:

1. The zone change will allow uses more intensive than allowed in the current zone; and
2. The conditions are reasonably related to impacts caused by development allowed in the proposed zone or to impacts caused by the specific development proposed on the subject property; and
3. Conditions will serve a public purpose such as mitigating the negative impacts of allowed uses on adjacent properties.

F. Conditions. Conditions that could meet the criteria in E., include, but are not limited to:

1. Dedication of right-of-way for public streets, utility easements, etc.; including additional right-of-way consistent with the requirements of the City Transportation Plan.
2. Improvement of private roadways or public streets, including bike paths, curbs, and sidewalks.
3. Provision of storm drainage facilities.
4. Extension of public sewer, storm drain, and water service including over-sizing to permit development on other lands.
5. Provision of fire suppression facilities and equipment.
6. Provision of transit and traffic control facilities.
7. Special building setbacks, orientation, landscaping, fencing, and retention of natural vegetation.
8. Special locations for truck loading, parking, access routes, or any outdoor activity that could impact adjacent property.
9. Financial contributions to public agencies to offset increased costs for providing services or facilities related to the intensification of the use of the property.

## **9-01.09.70 Text Amendments**

### **A. Process**

Amendments to the Comprehensive Plan and Development Code texts shall be reviewed in accordance with the Type IV Legislative review procedures.

### **B. Application**

A Plan or Code text amendment can only be initiated by a city resident, property owner, the Planning Commission or City Council. Upon direction of either the Commission or Council, City staff shall establish a file and set a schedule to review the proposed changes. No fee is required if the Planning Commission or City Council initiates the amendment.

### **C. Decision Criteria**

Amendments to the Comprehensive Plan or Development Code text shall be approved if the evidence can substantiate the following:

1. Impact of the proposed amendment on land use and development patterns within the city, as measured by:
  - a. Traffic generation and circulation patterns in compliance with the Transportation Master Plan;
  - b. Demand for public facilities and services, in compliance with the City Utility master plans;
  - c. Level of park and recreation facilities;
  - d. Economic activities;
  - e. Protection and use of natural resources;
  - f. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.
2. A demonstrated need exists for the product of the proposed amendment.
3. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.
4. The amendment is appropriate as measured by at least one of the following criteria:
  - a. It corrects identified error(s) in the provisions of the plan.
  - b. It represents a logical implementation of the plan.
  - c. It is mandated by changes in federal, state, or local law.
  - d. It is otherwise deemed by the City Council to be desirable, appropriate, and proper.

## **9-01.10 [Administrative Provisions]**

Sections:

9-01.10 Purpose and Applicability of Review Procedures

9-01.20 Type I Procedure

9-01.30 Type II Procedure

9-01.40 Type III Procedure

9-01.50 Type IV Procedure

9-01.60 General Provisions Applicable to All Reviews

9-01.70 Site Development Review

9-01.80 Building and Occupancy Permits

### **Section 9-01.10-10 Types of Applications and Review Procedures**

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 9-01.10-1 provides a key for determining the review procedure and the decision-making body for particular approvals.

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures: Type I, II, III, and IV. These procedures are described in subsections 1-4 below. Table 9-01.10-1 lists all of the City’s land use and development approvals and their required review procedure(s).

1. Type I Procedure (Administrative). Type I decisions are made by the City Planning Official, or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying City standards and criteria requires no use of discretion;

2. Type II Procedure (Administrative). Type II decisions are made by the City Planning Official or designee with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the Planning Commission;

3. Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III decisions generally use discretionary approval criteria.

4. Type IV Procedure (Legislative). Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.



## **TABLE 9-01.10-1**

### **Land Use Permit Applicable Review Procedures**

- Access Permit (public street) - Type I
- Building Permit - N/A Building Code
- Code Interpretation - Type III
- Code Amendment - Type IV
- Comprehensive Plan Amendment - Type IV
- Conditional Use Permit - Type III
- Flood Plain Development Permit - Type I
- Home Occupation - Type I and III
- Planned Development – Type III
- Modification to Approval - Type II/III (minor or major)
- Zone District Map Change - Type III or IV
- Legislative Plan or Code Amendment - Type IV Chapter
- Property Line Adjustments and Lot Consolidations - Type I
- Lot of Record Determination - Type I
- Non-Conforming Use - Type III
- Partition - Type II or III
- Sign Permit - Type I
- Site Design Review - Type I and III
- Subdivision - Preliminary Plan and Final Plat - Type III
- Temporary Use Permit – Type I and III
- Variance – Type III

## **9-01.10-20 Type I Procedure (Administrative).**

### **A. Application Requirements.**

1. Application Forms. Type I applications shall be made on forms provided by the City Planning Official or designee.
2. Application Requirements. Type I applications shall:
  - a. Include the information requested on the application form;
  - b. Address the criteria in sufficient detail for review and action; and
  - c. Be filed with the required fee.

**B. Administrative Decision Requirements.** The City Planning Official or designee's decision shall address all of the approval criteria, including applicable requirements of any road authority. Based on the criteria and the facts contained within the record, the City Planning Official shall approve or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.

**C. Final Decision.** A Type I decision is the final decision of the City. It cannot be appealed to City officials.

**D. Effective Date.** A Type I decision is final on the date it is made.

## **9-01.10-30 Type II Procedure (Administrative).**

**A. Pre-application Conference.** A pre-application conference is required for Type II reviews. Pre-application conference requirements and procedures are in Section 9-01.10.60.

### **B. Application Requirements.**

1. Application Forms. Type II applications shall be made on forms provided by the City Planning Official or designee.
2. Submittal Information. The application shall:
  - a. Include the information requested on the application form;
  - b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval.

### **C. Notice of Application for Type II Administrative Decision.**

1. Before making a Type II Administrative Decision, the City Planning Official or designee shall mail notice to:
  - a. All owners of record of real property within a minimum of 250 feet of the subject site;
  - b. All City-recognized neighborhood groups or associations whose boundaries include the site;

- c. Any person who submits a written request to receive a notice; and
- d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.

2. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.

3. Notice of a pending Type II Administrative Decision shall:

- a. Provide a 14-day period for submitting written comments before a decision is made on the permit;
- b. List the relevant approval criteria by name and number of code sections;
- c. State the place, date and time the comments are due, and the person to whom the comments should be addressed;
- d. Include the name and telephone number of a contact person regarding the Administrative Decision;
- e. Describe proposal and identify the specific permits or approvals requested;
- f. Describe the street address or other easily understandable reference to the location of the site;
- g. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
- h. State that all evidence relied upon by the City Planning Official or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
- i. State that after the comment period closes, the City Planning Official or designee shall issue a Type II Administrative Decision, and that the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
- j. Contain the following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Vernonia Title 9 Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. Administrative Decision Requirements. The City Planning Official or designee shall make a Type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the City Planning Official or designee shall approve, approve with conditions, or deny the requested permit or action. Alternatively, the City Planning Official, and/or the applicant, may refer the application to the Planning Commission for review in a public hearing, in which case the review shall follow the Type III procedure.

E. Notice of Decision.

1. Within five days after the City Planning Official or designee signs the decision, a Notice of Decision shall be sent by mail to:

- a. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;
- b. Any person who submits a written request to receive notice, or provides comments during the application-review period;
- c. Any City-recognized neighborhood group or association whose boundaries include the site; and
- d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.

2. The City Planning Official or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.

3. The Type II Notice of Decision shall contain:

- a. A summary description of the applicant's proposal and the City's decision on the proposal;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;
- c. A statement of where the City's decision can be obtained;
- d. The date the decision shall become final, unless appealed;
- e. A statement that all persons entitled to notice may appeal the decision; and
- f. A statement briefly explaining how to file an appeal, the deadline for filing an appeal, and where to obtain further information concerning the appeal process.

F. Final Decision and Effective Date. A Type II administrative decision is final for purposes of appeal, when it is mailed by the City. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

G. Appeal. A Type II administrative decision may be appealed to the Planning Commission as follows:

1. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:

- a. The applicant or owner of the subject property;
- b. Any person who was entitled to written notice of the Type II administrative decision;
- c. Any other person who participated in the proceeding by submitting written comments.

2. Appeal filing procedure.

- a. Notice of appeal. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures;

b. Time for filing. A Notice of Appeal shall be filed with the City Planning Official or designee within 14 days of the date the Notice of Decision was mailed;

c. Content of notice of appeal. The Notice of Appeal shall contain:

- (1) An identification of the decision being appealed, including the date of the decision;
- (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
- (3) A statement explaining the specific issues being raised on appeal;
- (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
- (5) Filing fee.

3. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be a hearing *de novo* before the Planning Commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the Type II administrative review. The Planning Commission may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

4. Appeal procedures. Type III notice, hearing procedures and decision process shall also be used for all Type II Administrative Appeals, as provided in Sections 9-01.10-30 C - E;

5. Further Appeal to City Council. The decision of the Planning Commission regarding an appeal of a Type II Administrative Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall follow the same notification and hearing procedures as for the Planning Commission hearing. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

## **9-01.10-40 [Type III Procedure (Quasi-Judicial)]**

A. Pre-application Conference. A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section 9-01.10-60.

B. Application Requirements.

1. Application forms. Type III applications shall be made on forms provided by the City Planning Official or designee; if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.
2. Submittal Information. When a Type III application is required, it shall:
  - a. Include the information requested on the application form;
  - b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval; and
  - c. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application as required. The records of the Columbia County Assessor's Office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City shall prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.

C. Notice of Hearing.

1. Mailed notice. The City shall mail the notice of the Type III action. The records of the Columbia County Assessor's Office are the official records for determining ownership. Notice of a Type III application hearing or Type II appeal hearing shall be given by the City Planning Official or designee in the following manner:
  - a. At least 20 days before the hearing date, notice shall be mailed to:
    - (1) The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
    - (2) All property owners of record within 250 feet of the site;
    - (3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
    - (4) Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;
    - (5) Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
    - (6) Any person who submits a written request to receive notice;
    - (7) For appeals, the appellant and all persons who provided testimony in the original decision; and

(8) For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

b. The City Planning Official or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.

c. At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

2. Content of Notice. Notice of appeal of a Type II Administrative decision or notice of a Type III hearing to be mailed and published per Subsection 1 above shall contain the following information:

a. The nature of the application and the proposed land use or uses that could be authorized for the property;

b. The applicable criteria and standards from the development code(s) that apply to the application;

c. The street address or other easily understood geographical reference to the subject property;

d. The date, time, and location of the public hearing;

e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;

f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;

g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Vernonia City Hall at no cost and that copies shall be provided at a reasonable cost;

h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

j. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Vernonia Title 9 Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

#### D. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance:

a. The applicable approval criteria and standards that apply to the application or appeal;

b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

c. A statement that failure to raise an issue with sufficient detail to give the

hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;

d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a “continuance”) per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.

2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;

3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission shall reopen the record.

a. When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;

b. An extension of the hearing or record granted pursuant to Section 9-01.10-40D is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;

c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence;

d. The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;

e. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts;

f. The review authority shall retain custody of the record until the City issues a final decision.

4. Participants in the appeal of a Type II Administrative decision or participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing *ex parte* contacts (see Section



9-01.10-40.D (6) below) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:

- a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in Section 9-01.10-40.D(5) below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
- b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
- c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
- d. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Sections 9-01.10-40D(4) through (5). In this case, a member of the City Council appointed by the Mayor may substitute for a member of the Planning Commission.
- e. If all members of the Planning Commission abstain or are disqualified, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
- f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

5. *Ex parte* communications.

- a. Members of the hearings body shall not:
  - (1) Communicate directly or indirectly with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing without giving notice per Section C above;
  - (2) Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.
- b. No decision or action of the hearings body shall be invalid due to *ex parte* contacts or bias resulting from *ex parte* contacts, if the person receiving contact:
  - (1) Places in the record the substance of any written or oral *ex parte* communications concerning the decision or action; and
  - (2). Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
- c. A communication between City staff and the hearings body is not

considered an *ex parte* contact.

6. Presenting and receiving evidence.

- a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
- b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section 9-01.1-40D;
- c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

E. The Decision Process.

1. Basis for decision. Approval or denial of an appeal of a Type II Administrative decision or of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;
2. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
3. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
4. Decision-making time limits. A final order for any Type II Administrative Appeal or Type III action shall be filed with the City Planning Official or designee within ten business days after the close of the deliberation;
5. Notice of Decision. Written notice of a Type II Administrative Appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
6. Final Decision and Effective Date. The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for Type III applications on appeal to the City Council shall be the same as for the initial hearing. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the City Council's written decision or, in the case of Type I decision, within 21 days of the administrative decision date.

## **9-01.10-50 [Type IV Procedure (Legislative)]**

A. Pre-Application Conference. A pre-application conference is required for all Type IV applications initiated by a party other than the City of Vernonia. The requirements and procedures for a pre-application conference are described in Section 9-01.10-60C.

B. Timing of Requests. The City accepts legislative requests any time of the year. The City Council may initiate its own legislative proposals at any time.

### **C. Application Requirements**

1. Application forms. Type IV applications shall be made on forms provided by the City Planning Official or designee.
2. Submittal Information. The application shall contain:
  - a. The information requested on the application form;
  - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
  - c. The required fee; and
  - d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

### **D. Notice of Hearing**

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.
2. Notification requirements. Notice of public hearings for the request shall be given by the City Planning Official or designee in the following manner:
  - a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
    - (1) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);
    - (2) Any affected governmental agency;
    - (3) Any person who requests notice in writing;
    - (4) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
    - (5) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.
  - b. At least 10 days before the scheduled Planning Commission public hearing date, and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.
  - c. The City Planning Official or designee shall:
    - (1) For each mailing of notice, file an affidavit of mailing in the record as provided by subsection a; and
    - (2) For each published notice, file in the record the affidavit of publication in

- a newspaper that is required in subsection b.
  - d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.
  - e. Notifications for annexation shall follow the provisions of this Chapter.
3. Content of notices. The mailed and published notices shall include the following information:
- a. The number and title of the file containing the application, and the address and telephone number of the City Planning Official or designee's office where additional information about the application can be obtained;
  - b. The proposed site location;
  - c. A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;
  - d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See Section 9-01.10-50E); and
  - e. Each mailed notice required by Section 9-01.10-50 D shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: the City of Vernonia Title 9 Land and Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:
- a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;
  - b. Published notice is deemed given on the date it is published.

#### E. Hearing Process and Procedure.

1. Unless otherwise provided in the rules of procedure adopted by the City Council:
  - a. The presiding officer of the Planning Commission and of the City Council shall have the authority to:
    - (1) Regulate the course, sequence, and decorum of the hearing;
    - (2) Direct procedural requirements or similar matters; and
    - (3) Impose reasonable time limits for oral presentations.
  - b. No person shall address the Commission or the Council without:
    - (1) Receiving recognition from the presiding officer; and
    - (2) Stating their full name and address.
  - c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:
  - a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary

of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;

- b. The City Planning Official or designee's report and other applicable staff reports shall be presented;
- c. The public shall be invited to testify;
- d. The public hearing may be continued to allow additional testimony or it may be closed; and
- e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

F. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

G. Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the relevant factors of Sections 9-01.09-50 to 9-01.09-70.

H. Approval Process and Authority.

1. The Planning Commission shall:
  - a. After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and
  - b. Within 14 business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the City Planning Official or designee.
2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the City Planning Official or designee before the Council public hearing on the proposal. The City Planning Official or designee shall send a copy to each Council member and place a copy in the record;
3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within 60 days of its first public hearing on the proposed change, the City Planning Official or designee shall:
  - a. Report the failure together with the proposed change to the City Council; and
  - b. Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing make a decision. No further action shall be taken by the Commission.
4. The City Council shall:
  - a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;
  - b. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and
  - c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

I. Vote Required for a Legislative Change.

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.
2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

J. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Council decision is filed with the City Planning Official or designee. The City shall also provide notice to all persons as required by other applicable laws.

K. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

L. Record of the Public Hearing.

1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;
2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
3. The official record shall include:
  - a. All materials considered by the hearings body;
  - b. All materials submitted by the City Planning Official or designee to the hearings body regarding the application;
  - c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;
  - d. The final ordinance;
  - e. All correspondence; and
  - f. A copy of the notices that were given as required by this Chapter.

**9-01.10-60 [General Provisions: 120-day Rule; Time Computation; Pre-application Conferences; Acceptance and Review; Planning Official's Duties, Amended Applications; Re-submittal; Appeals]**

A. 120-day Rule. The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions - plan and code amendments - under ORS 227.178.)

B. Time Computation. In computing any period of time prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins

to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

C. Pre-application Conferences.

1. Participants. When a pre-application conference is required, the applicant shall meet with the City Planning Official or his/her designee(s) and other parties as appropriate;
2. Information provided. At such conference, the City Planning Official or designee shall:
  - a. Cite the comprehensive plan policies and map designations applicable to the proposal;
  - b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
  - c. Provide available technical data and assistance that will aid the applicant;
  - d. Identify other governmental policies and regulations that relate to the application; and
  - e. Reasonably identify other opportunities or constraints concerning the application.
3. Disclaimer. Failure of the City Planning Official or his/her designee to provide any of the information required by this Section 9-01.10-60C shall not constitute a waiver of any of the standards, criteria or requirements for the application;
4. Changes in the law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

D. Acceptance and Review of Applications.

1. Initiation of applications:
  - a. Applications for approval under this Chapter may be initiated by:
    - (1) Order of City Council;
    - (2) Resolution of the Planning Commission;
    - (3) The City Planning Official or designee;
    - (4) A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.
  - b. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.
2. Consolidation of proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.
  - a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.
  - b. When proceedings are consolidated:
    - (1) The notice shall identify each application to be decided;
    - (2) The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed

development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and  
(3) Separate findings and decisions shall be made on each application.

3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:

a. Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;

- (1) The required form;
- (2) The required fee;
- (3) The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

b. Completeness.

(1) Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information, or 14 days to submit a refusal statement;

(2) Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in Section 9-01.10-.60D.3.b(1), above. For the refusal to be valid, the refusal shall be made in writing and received by the City Planning Official or designee no later than 14 days after the date on the City Planning Official or designee's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on 31st day after the City Planning Official or designee first accepted the application.

(3) Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.

(4) Coordinated Review. The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.

4. Changes or additions to the application during the review period. Once an application is deemed complete:

a. All documents and other evidence relied upon by the applicant shall be submitted to the City Planning Official or designee at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by City Planning Official or designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;

b. When documents or other evidence are submitted by the applicant during the review period but after the application is deemed complete, the assigned



review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;  
c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see “d”, below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;

d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions, at the choice of the applicant:

(1) Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes.

Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;

(2) Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Section 4.1.600.A above) on the existing application. If the applicant does not consent, the City shall not select this option;

(3) Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence;

e. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

E. City Planning Official's Duties. The City Planning Official or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions;

2. Accept all development applications that comply with Section 4.1.600;

3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report may also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;

4. Prepare a notice of the proposal decision:

a. In the case of an application subject to a Type I or II review process, the City Planning Official or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;

b. In the case of an application subject to a hearing (Type III or IV process), the City Planning Official or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the

case-file materials available when notice of the hearing is mailed, as provided by Sections 9-01.10-.40C.

5. Administer the hearings process;
6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;
7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and
8. Administer the appeals and review process.

**F. Amended Decision Process.**

1. The purpose of an amended decision process is to allow the City Planning Official or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.
2. The City Planning Official or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 14 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 10-day appeal period shall begin on the day the amended decision is issued.
3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.
4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the original application procedures. All other changes to decisions that are not modifications follow the appeal process.

**G. Re-submittal of Application Following Denial.** An application that has been denied, or an application that was denied and on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy that would change the outcome, as determined by the City Planning Official or designee.

**H. Appeal Process.** An appeal by a person with standing shall be a hearing *de novo* and following the Type III procedure. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the proceeding below. The Planning Commission or City Council may allow additional evidence, testimony, or argument concerning any standard, criterion, condition, or issue relevant to the original application.

## **9-01.10-70 [Site Development Review, Type I and Type III]**

- A. Purpose and Application-** The City has two types of Site Development Review, “I” and “III.” Both review processes are designed to ensure compliance with the basic development standards of the land use district (e.g., building setbacks, lot coverage, maximum building height), as well as more detailed design standards for particular uses. Site Development Review III uses more discretionary approval criteria and covers larger developments. See applicable zone use and review Tables for the review type assigned to a particular development proposal.
- B. Application Review Procedures-** Site Development Review Type I is an administrative review and is conducted by the City Planner. However, the City Planner may choose to refer a Type I Site Development Review request to the Planning Commission for a decisions, subject to the Type III application requirements. Site Development Review Type III is a quasi-judicial land use review with public notice and conducted by the Planning Commission as a public hearing in accordance with Section 9-01.10-40.
- C. Application Submission Requirements-** The following information is required for all Site Development Review applications required by Table [10-10-1](#).
- 1. Submittal Requirements for Site Development Review Type I and III-** All applications for site design review shall include the following additional information, as deemed applicable by the City Planner and specified by Table [10-10-1](#), Site Development Review Type I and III Application Requirements:
- a. Existing Conditions Plan-** At a minimum, the Existing Conditions Plan shall contain the following:
- 1.** The applicant’s entire property and the surrounding property within a minimum of one hundred (100) feet from the edges of the applicant’s property. The property boundaries, dimensions and gross area shall be identified;
  - 2.** The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
  - 3.** Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
  - 4.** Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
  - 5.** The location, size and species of trees or groves of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four (4) feet above grade;
  - 6.** North arrow and scale;
  - 7.** Names and addresses of all persons listed as owners on the most recently recorded deed;
  - 8.** Additional information, as determined by the City Planner. The City may require studies or exhibits prepared by qualified professionals to address specific site features;
  - 9.** If the development is located in a flood plain or environmental overlay zone as identified by the City’s Zoning Map, the following elements are also required:
    - i.** Topographic contour lines at six (6)-inch intervals;
    - ii.** Identification of slopes greater than twenty-five percent (25%);

**iii.** Identification of floodways, areas subject to a one hundred (100) year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards; and

**iv.** Natural resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the City or any State or federal natural resource regulatory agency or agencies as requiring protection;

**b.** Proposed Site Plan- The site plan shall contain the following information:

- 1.** The proposed development site, including boundaries, dimensions, and gross area;
- 2.** Features identified on the Existing Conditions Plan proposed to remain on the site;
- 3.** Features identified on the Existing Conditions Plan, if any, proposed to be removed or modified by the development;
- 4.** The location and dimensions of all proposed public and private streets, alleys, drives, rights-of-way, and easements;
- 5.** The location and dimensions of all proposed structures, utilities, pavement and other improvements on the site. This includes both new structures and existing structures that will remain on the site. Setback dimensions for all proposed buildings shall be provided on the site plan;
- 6.** The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- 7.** The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
- 8.** Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
- 9.** Loading and service areas for waste disposal, loading and delivery;
- 10.** Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
- 11.** Location, type, and height of outdoor lighting;
- 12.** Other information determined by the City Planner. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this code;

**c.** Elevations/Drawings- The City Planner may require architectural drawings showing building elevations with building height and width dimensions and design features required by this code.

**d.** Preliminary Grading Plan- A preliminary grading plan prepared by a registered engineer shall be required for development sites one (1) acre or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating changes to contour lines, slope ratios, slope stabilization proposals, and location and height of proposed retaining walls. Surface water detention and treatment plans may also be required, in accordance with City Storm Water Plan requirements.

**e.** Landscape Plan- A landscape plan may be required at the direction of the City Planner and, if required, shall show the following:

1. The location and height of existing and proposed fences and other buffering or screening materials and plants;
  2. The location of terraces, retaining walls, decks, patios, shelters, and play areas;
  3. The location, size, and species of plant materials (at time of planting);
  4. Building and pavement outlines;
  5. Irrigation system if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;
  6. Other information as deemed appropriate by the City Planner based on code approval standards and criteria.
- f. Deed Restrictions- Copies of all existing and proposed restrictions and covenants. For existing documents that have been recorded, this means a copy of the recorded document with the recording information on its face.
- g. Narrative- Letter or narrative report documenting compliance with the applicable approval criteria contained in [Section 9-01.10-10.D](#) [Site Design Review Approval Criteria].

<p style="text-align: center;"><b><u>Table 10-10-1</u></b></p> <p style="text-align: center;"><b><u>Site Development Review Type I and III Application Requirements</u></b></p>		
<b>Requirement</b>	<b>Site Development -Type I</b>	<b>Site Development – Type III</b>
Existing Conditions Plan	Required	Required
Proposed Site Plan	Required	Required
Elevations/Drawings	If Required by City Planner	Required
Preliminary Grading Plan	If Required by City Planner	Required
Landscape Plan	If Required by City Planner	Required
Deed Restrictions	Required	Required
Narrative	Required	Required

#### **D. Approval Criteria.**

1. For Type I Site Development Reviews, the City Planner shall make written findings regarding all of the following criteria when approving, approving with conditions, or denying an application:
  - a. The application is complete as to required information, as determined in accordance with this section and the [City's Zoning Code](#);
  - b. The application complies with all of the applicable provisions of the underlying land use zone or district, including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architectural design features, and other special standards as may be required for certain land uses.
  - c. The proposed plan shall illustrate and provide adequate vehicle access and circulation, perimeter landscaping including the preservation of trees where feasible and landscape maintenance, fencing and walls for safety or privacy, parking and loading, public facilities and franchise utilities, trash disposal, exterior lighting, surface water management, and street improvements in accordance with city standards and the City Transportation System Plan, where applicable.

2. For Type III Site Development Reviews, the Planning Commission shall make written findings regarding all of the approval criteria for a Site Design Review Type I application (See [9-01.10-10.D.1.a](#) and [9-01.10-10.D.1.b](#) of this section above), plus all of the following criteria, when approving, approving with conditions, or denying an application:
  - a. If the development site contains one (1) or more non-conforming use and/or non-conforming development, the application shall bring all existing non-conformities into compliance with code standards and criteria in effect at the time the application is deemed complete;
  - b. The application complies with all additional City standards and criteria that apply to development of the site that are not included in the zoning district regulations, including site access and circulation, landscaping, trees, fence or wall construction; parking, and public facilities;
  - c. Conditions required as part of a previous partition or subdivision, conditional use permit; planned unit development or other approval have been met. Conditions required as part of a current partition or subdivision, conditional use permit; planned unit development or other approval shall be met through development according to the proposal as approved or approved with conditions.
3. Exceptions to the standards associated with these criteria may be granted only when approved according to the City's variance process as per [Article 9-01.08](#) of this chapter.
- E. Permits and Expiration of Decision. If approved, the decision is valid for one year, and an extension of that approval may be granted by the City for a Type I and by the Planning Commission for a Type III for up to a maximum of two years. Building Permits may be issued in accordance with Section 9-01.10-80.

## **9-01.10-80 [ Building Permits, Expirations and Occupancy]**

A. Building Permit. No permit shall be issued by the building official for the construction, reconstruction, alteration or change of use of a structure or lot that has not been approved by the City Planning Official or his/her designee and does not conform to the requirements of this code and the following provisions.

1. Examples include but are not limited to:
  - a. Adding a room
  - b. Build, demolish, or move a carport, garage, or shed of more than 200 square feet
  - c. Finish an attic, garage, or basement
  - d. Cut a new window or door opening
  - e. Widen existing openings
  - f. Move, remove, or add walls
  - g. Application of roofing when all of the old roofing is removed and new sheathing is installed
  - h. Build a stairway
  - i. Build a retaining wall more than four feet high
  - j. Building a deck more than 30 inches above grade
  - k. Build a fence more than six feet high
  - l. Installation or alteration of heating, cooling or ventilation equipment
  - m. Add, alter, or demolish public utility lines not located in the public right-of-way such as water, sewer, or electrical.

- n. Any change to improved or unimproved real estate such as dredging, drilling, excavation, filling, grading, or paving.
2. Flood Plain Permit Determination: No permit shall be issued until the need for a flood plain permit is determined by the City.
3. Development Regulations Compliance Checklist: No permit for a single family dwelling shall be issued until the property owner has completed and signed a Development Regulations Checklist form issued by the City.
4. Emergency Temporary Housing Permit. Temporary emergency housing permits will be issued only in the event of conflagration, flood, earthquake, act of terrorism or any disaster that results in the Vernonia City Council, Columbia County officials, the Governors office or a Presidential declaration of a state of emergency, where families have been displaced, have no other recourse, and are seeking temporary housing accommodations while reestablishing their primary residence.
  - a. Eligibility for application and uses permitted:
    - (1) Temporary MFH subdivision as applied for by FEMA, or other disaster recovery organization.
    - (2) Temporary placement of a MFH, RV, or travel trailer as applied for by a homeowner located on their property while working on their own home.
    - (3) Temporary placement of a MFH, RV, or travel trailer as applied for by a homeowner located on their property for a family member while they reestablish a permanent residence.
    - (4) Temporary RV accommodations as applied for by relief workers while working on efforts directly related to the declared emergency.
  - b. Permits will be reviewed every six (6) months to evaluate their continued validity, not to exceed two (2) years from date of declaration unless passed by a vote of the City Council or if the state of emergency has not been lifted.
  - c. If, in the case of a second disaster of an unrelated event, the permit may be reevaluated and reissued as of that date.
  - d. All temporary emergency housing must be done in conformance with all relevant City, County, State and other applicable codes and regulations.
5. Issuance of Permits. After the receipt of all information required for the permit the Building Official shall review the standards set in this ordinance. If applicant has met all required standards then within seven working days the permit shall be issued by the Building Official.
6. Denial of Permit. If any major elements are clearly out of line with the standards and the issuance is denied a written statement specifying the reasons for the denial will be sent within seven (7) working days.
7. Expiration and Revocation of Permits. When a time limit for a permit is not specified elsewhere in this ordinance, said permit shall be subject to expiration and revocation as follows:
  - a. If revoked all work must cease until a permit is re-issued.

- b. A permit may be revoked if false information is provided on the application.
- c. If the work described in the permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire and shall be revoked by the City.
- d. If more than six (6) months lapses from the date of the last inspection passed, a permit may be revoked by the City.
- e. If the work described in the permit has not been completed within two (2) years from the date of issuance thereof and a request to extend the time limit has not been approved by the Planning Commission, said permit shall expire and shall be revoked by the City.

**B. Certificate of Occupancy.**

1. Occupancy Requirement. Prior to the occupancy of any dwelling the owner shall secure from the City a Certificate of Occupancy stating that the building and its use comply with all provisions of the ordinance applicable to the building or its use in the zone in which it is located.
2. Issuance of Certificate. After submission of an application for a Certificate of Occupancy the Building Inspector shall obtain approval by the City Planning official or his/her designee and shall inspect the property and make such referrals to other local officials for technical determinations, as he or she deems appropriate, for conformance with conditions of the permit and the standards set in this ordinance. If the applicant has conformed to all of the required conditions and standards, a Certificate of Occupancy shall be issued within seven working days.
3. Denial of certificate. If any major conditions or standards have not been complied with, and the Certificate of Occupancy is denied, a written statement specifying the reasons for the denial shall be sent within seven days.



## **9-01.11 [Transportation Planning, Standards and Procedures]**

### **9-01.11-10 [Purpose]**

The purpose of this article is to provide standards and procedures to implement provisions of the State Transportation Planning Rule (OAR 660, Division 12) and local, regional and state transportation plans.

### **9-01.11-20 [Public Notice and Coordinated Review]**

- A. A proposal to amend the Vernonia Comprehensive Plan or Zoning Code to change or adopt a new regulation shall be submitted to the Director of the Department of Land Conservation and Development at least forty-five (45) days before the first public hearing on adoption and to ODOT at least forty-five (45) days before the final City Council hearing on adoption.
- B. The City shall provide written notice to the providers of transportation facilities and services, such as ODOT or Columbia County, if an application for a land division, design review, conditional use or building permit is located on or adjacent to an ODOT transportation facility or service. Notice shall be provided at least twenty (20) days prior to the public hearing or decision on the application.
- C. Land use review associated with proposed transportation facilities, services, and improvements shall be coordinated with other jurisdictions that provide those facilities or services, such as Columbia County and ODOT when the proposed development has an impact on the transportation facility or service, as determined by the provider.

### **9-01.11-30 [Access Management Standards]**

- A. Access (both direct and indirect via easement) to Highway 47 shall be approved only after consultation with an approval by ODOT, and when shown to be in compliance with the access management strategies of the Vernonia TSP.
- B. For all proposed development or redevelopment of properties accessing a county road, the developer/owner shall notify and coordinate with the Columbia County Public Works Department to ensure proper access management, consistent with the access management provisions of the Columbia County Transportation System Plan (TSP) and the Vernonia TSP. Columbia County has the jurisdiction over access permits to county roads.
- C. Access to local city streets and county roadways within the city shall comply with the following access spacing standards from the Vernonia TSP.

**Table 11-30-1 Access Spacing Standards**

<b>Functional Classification</b>	<b>Minimum Access Spacing</b>	<b>Single Spacing</b>
Arterial	Five hundred (500) feet from arterial or collector	½ Mile
	Four hundred (400) feet from any other intersection (including private access)	
Collector	Three hundred (300) feet from arterial	None
	One hundred and fifty (150) feet from any other intersection (Including private access)	
Local Street	Two hundred (200) feet from arterial	None
	One hundred (100) feet from any intersection with a collector, or local street	
	No spacing requirements from intersections with a private access	

- D. Shared driveways along a common property line are strongly encouraged. Access permits may be denied if reasonable alternative access is available.

**9-01.11-40 [Protection of Transportation Facilities]**

- A. All Comprehensive Plan and zone changes shall conform to the adopted Vernonia TSP. Zone changes shall not substantially impact the functional classification or operation of transportation facilities. To ensure proper review and mitigation, a traffic impact study may be required for proposals that may impact transportation facilities.
- B. The applicant for a Comprehensive Plan or zone change may be required to submit a traffic impact study if deemed necessary by a transportation facility provider, including the City, Columbia County or ODOT.
- C. The applicant for a Comprehensive Plan or zone change which significantly affects a transportation facility shall ensure that the proposed change is consistent with the function, capacity and level of service of affected transportation facilities as identified in the TSP, or for ODOT facilities, the minimum acceptable performance standard in the most recent adopted Oregon Highway Plan. This shall be accomplished by either:
1. Limiting the allowed land uses to be consistent with the planned function, capacity and level of service of the facility;
  2. Amending the TSP to provide transportation facilities adequate to support the proposed land uses in compliance with Division 660-12 of the Oregon Administrative Rules, or;
  3. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

- D. A proposed change significantly affects a transportation facility if it:
1. Changes the functional classification of an existing or planned transportation facility;
  2. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility, or;
  3. Would reduce the level of service below the minimum acceptable level identified in the TSP, the Columbia County Transportation System Plan or the Oregon Highway Plan.
- E. The City may attach conditions (such as right-of-way dedication and special setbacks) to land division and design review approvals to protect the existing and planned right-of-way of transportation facilities.

#### **9-01.11-50 [Transportation Improvements]**

- A. Changes and refinements of a proposed public road and highway project shall be permitted without a plan amendment if the new alignment falls within a general corridor identified in the TSP.
- B. For ODOT transportation projects that require an Environmental Impact Study (EIS) or Environmental Assessment (EA), the draft EIS or EA shall provide the findings for local land use review, if local review is required.
- C. The following transportation improvements are permitted outright in any zone:
1. Normal operation, maintenance, repair, and preservation activities associated with transportation facilities;
  2. Installation of culverts, pathways, fencing, guardrails, lighting, and similar types of improvements that take place within the existing right-of-way;
  3. Projects specifically identified in the TSP as not requiring further land use regulation;
  4. Landscaping as part of a transportation facility;
  5. Emergency measures as necessary for the safety and protection of property;
  6. Acquisition of right-of-way for public roads, highways, and other transportation projects identified in the TSP are permitted outright, except for those that are located in exclusive farm use or forest zones.
- D. The following transportation improvements are permitted with conditional use approval in any zone:
1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:
    - a. Not specifically identified in the TSP; or
    - b. Not designed and constructed as part of a subdivision or planned development subject to design review and/or conditional use review. These projects shall comply with the TSP and applicable standards;
  2. Construction of rest areas, weigh stations and temporary storage processing sites;
  3. If review under this section indicates that the transportation improvement is inconsistent with the TSP, the procedure for a plan amendment, including any necessary goal exceptions shall be undertaken prior to or in conjunction with the conditional use permit review.

### **9-01.11-60 [Street Standards]**

- A. New roads and roadway improvements shall be consistent with the general location, functional classification and street standards as set forth in the TSP.
- B. New developments shall provide for street connectivity.
- C. Table [11-60-1](#) (Table 3.1 of the TSP) provides street standards for the various street functional classifications and is incorporated by this reference. The cross sections emphasize the desire to develop multi-modal roadway facilities that incorporate sidewalks and bike lanes where possible.
- D. The City Engineer may adjust the street standards by up to ten percent (10%) when it is found that any of the following conditions apply:
  - 1. The existing right-of-way is substandard; or
  - 2. Exceptional topographic conditions exist; or
  - 3. Significant trees or vegetation would be removed.

**Table 11-60-1**  
**Required Roadway Design Standards**

Street Type	Travel Lanes	Parking	Bikeways	Total Pavement	Unpaved Shoulders	Planting Strip	Sidewalks	Right-of-Way1
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Urban (Fig. 2-1 of the TSP)								
<b>New Local</b>	2-9'	5' Both Sides		28'	5' Both Sides	5' Both Sides		50'
<b>Local Preferred Retrofit</b>	2-9'	6' One Side		24'		5' Both Sides	5' Both Sides	46'
<b>Local Minimum Retrofit</b>	2-9'			18'			5' One Side	25'
<b>Collector</b>	2-10'	8' One Side 2	5' Both Sides	38'		5' Both Sides	6' Both Sides	62'
<b>Arterial</b>	2-11'	8' Both Sides 2	5' Both Sides	48'			10' Both Sides 3	70'
Rural (Fig. 2-1 of the TSP)								
<b>Local</b>	2-9'			18'	2' Both Sides			30'
<b>Collector</b>	2-10'	6' One Side	5' Both Sides	36'	4' Both Sides		5' Both Sides	62'
<b>Arterial</b>	2-12'		5' Both Sides	34'	4' Both Sides		5' Both Sides	60'

(1) Required right-of-way is the total of pavement, shoulders, planting strip, and sidewalks, plus two (2) feet for urban roadways and eight (8) feet for rural roadways.

(2) Standards for Urban Arterials and collectors require eight (8) foot parking lanes in the downtown area, where storefront commercial land uses make on-street parking desirable. The urban and rural standards applications areas are defined by Figure 2-1 of the TSP. Outside of downtown, parking lanes may be excluded from the cross section if adjacent land uses do not support the need (for instance, if buildings are set back from the right-of-way and off-street parking). Where on-street parking is eliminated from the cross section, total pavement width shall be reduced by the same amount.

(3) The ten (10) foot arterial sidewalk is stipulated for downtown area and may be reduced elsewhere to six (6) feet.

### **9-01.11-70 [Internal Connections]**

- A. General Walkway Standards for Commercial Developments- Walkways from the public right-of-way or adjoining development shall be designed to connect with front or main building entryways. Walkways shall be as direct as possible and shall limit out-of-direction travel. The walkways shall be paved with a hard surface material and shall be no less than five (5) feet in width. If adjacent to parking areas where vehicles will overhang the walkway, a seven (7)-foot walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving material.
- B. General Walkway Standards for Multi-Family Developments and Planned Developments- Walkways from the public right-of-way shall be designed to connect with front or main building entryways. Public walkways to adjoining developments shall be as direct as possible and shall limit out-of-direction travel. Public walkways shall be paved with a hard surface material and shall be no less than five (5) feet in width. If adjacent to parking areas where vehicles will overhang the walkway, a seven (7)-foot walkway shall be provided. The walkways for multi-family developments shall be separated from parking areas using curbing, landscaping, or distinctive paving material.
- C. Connections to the Right-of-Way- Every commercial, office, and institutional building shall include a pedestrian walkway connected to the public right-of-way. A walkway shall be provided for every three hundred (300) feet of street frontage.
- D. Connections Between Developments- Opportunities for at least one (1) pedestrian walkway and one (1) potential vehicular connection shall be provided between adjacent commercial, office, and institutional development. If connections are currently not available, then planned connections shall be designed to retain an opportunity to connect adjoining developments in the future.

### **9-01.11-80 [Bicycle Parking Facilities]**

- A. Bicycle parking shall be provided for all new multifamily, industrial, commercial, office, and institutional development. Each bicycle parking space must be a minimum of six (6) feet in length, two (2) feet in width, and have an overhead clearance of six (6) feet.
- B. Bicycle parking shall be located on site within fifty (50) feet of a primary entrance and not farther from the entrance than the closest motor vehicle parking space.
- C. Where sidewalks are sufficiently wide, bicycle parking may be located within the public right-of-way.
- D. Bicycle space requirements are as follows:
  - 1. Multi- Family Development (Three (3) or more units): one (1) space per unit;
  - 2. Industrial Development: one (1) space per ten (10) auto spaces required;
  - 3. Commercial/Office/Institutional Development: A minimum of two (2) spaces, plus one (1) additional space for each ten (10) auto spaces required.

## **9-01.11-90 [Traffic Impact Studies]**

The purpose of this section of the code is to assist in determining which road authorities participate in land use decision, and to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.

A. When a Traffic Study is Required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS shall be required when a land use application involves one or more of the following actions:

1. A change in zoning or a plan amendment designation;
2. Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies); or
3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or
4. An increase in peak hour volume of a particular movement to and from the State highway by twenty percent (20%); or
5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weight by 10 vehicles of more per day; or
6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.

B. Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.

## **9-01.12 [Miscellaneous Provisions]**

### **9-01.12-10 [Interpretation]**

The provisions of this ordinance shall be held to be the minimum requirements fulfilling its objectives. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions, of this ordinance or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

### **9-01.12-20 [Severability.]**

The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent Jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

### **9-01.12-30 [Abatement and Penalty]**

**A.** A person violating a provision of this chapter shall be punished upon conviction by a civil penalty as a Class B infraction (a fine not to exceed \$500.00) and shall be deemed guilty of a separate offense for each day during which the violation continues. This remedy is not intended to be exclusive and the City of Vernonia may pursue any other remedy available to it by law.

**B.** In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered or used, or land is or is proposed to be used, in violation of this chapter, the building or land thus in violation shall constitute a nuisance and the City may, as an alternative to other remedies that are legally available for enforcing this chapter, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

**C. Subject to removal. A building, sited upon property in violation of this ordinance, shall be subject to removal from such property. However, the building owner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring compliance, the expenses involved may be made a lien against the property.**



## **Chapter 9-02 [Land Division Code for the City of Vernonia]**

## **9-02 [Land Division for the City of Vernonia]**

### **9-02.01 [Introductory Provisions]**

#### **9-02.01-10 [Title]**

This chapter shall be known as the Land Division Code for the City of Vernonia.

#### **9-02.01-20 [Definitions]**

As used in this chapter the following words and phrases shall mean:

- A. “Building Line” means a line on a plat or map indicating the limit beyond which buildings or structures may not be erected.
- B. “City” means the City of Vernonia.
- C. “Development Plan” means a City plan for the guidance of growth and improvement of the city, including modifications or refinements which may be made from time to time.
- D. “Easement” means a grant of the right to use a strip of land for specific purposes.
- E. “Lot” means a unit of land that is created by a subdivision of land:
  - 1. “Corner Lot” means a lot at least two (2) adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred and thirty-five (135) degrees;
  - 2. “Reversed Corner Lot” means a corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear;
  - 3. “Through Lot” means a lot having frontage on two (2) parallel or approximately parallel streets other than alleys.
- F. “Map” means a final diagram, drawing or other writing concerning a major partition.
- G. “Parcel” means a unit of land that is created by a partitioning of land.
- H. “Partition” means either an act of partitioning land or an area or tract of land partitioned as defined in this section:
  - 1. “Major Partition” means a partition which includes the creation of a street;
  - 2. “Minor Partition” means a partition that does not include the creation of a street.
- I. “Partition Land” means to divide an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. “Partition Land” does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and “Partition Land” does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the Title 9 Land Development Code.
- J. “Pedestrian Way” means a right-of-way for pedestrian traffic.
- K. “Person” means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
- L. “Planning Commission” means the planning commission of the City.

- M. "Plat" means the final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- N. "Right-of-Way" means the area between boundary lines of a street or other easement.
- O. "Roadway" means the portion of a street right-of-way developed for vehicular traffic;
- P. "Sidewalk" means a pedestrian walkway with permanent surfacing.
- Q. "Street" means a public or private way that is created to provide ingress or egress for persons to one (1) or more lots, parcels, areas or tracts of land and including the term "road," "highway," "lane," "avenue," "alley" or similar designations:
  - 1. "Alley" means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street;
  - 2. "Arterial" means a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas;
  - 3. "Collector" means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties;
  - 4. "Cul-de-Sac (Dead-End Street)" means a short street having one (1) end open to traffic and being terminated by a vehicle turn-around;
  - 5. "Half Street" means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision;
  - 6. "Marginal Access Street" means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic;
  - 7. "Minor Street" means a street intended primarily for access to abutting properties.
- R. "Subdivide Land" means to divide an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- S. "Subdivision" means either an act of subdividing land or an area or tract of land subdivided as defined in this section.

### **9-02.01-30 [Scope of Regulations]**

Subdivision plats and partition maps shall be approved by the Planning Commission in accordance with these regulations. A person desiring to subdivide land or desiring to partition land shall submit tentative plans and final documents for approval as provided in this code and the State law. Lot line adjustments and street improvement requirements in previously platted areas shall be reviewed and approved by the City Administrator.

## **9-02.02 [Tentative Plan]**

### **9-02.02-10 [Submission of Tentative Subdivision Plan]**

A subdivider shall prepare a tentative plan together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit fifteen (15) copies of the tentative plan to the City Recorder's office at least thirty (30) days prior to the Planning Commission meeting at which consideration of the plan is desired.

### **9-02.02-20 [Scale]**

The tentative plan of a subdivision shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of one (1) inch equals one hundred (100) feet or, for areas over one hundred (100) acres, one (1) inch equals two hundred (200) feet.

### **9-02.02-30 [General Information]**

The following general information shall be shown on the tentative plan of a subdivision:

- A. Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the Planning Commission;
- B. Date, north point and scale of drawing;
- C. Appropriate identification of the drawing as a tentative plan;
- D. Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries;
- E. Names and addresses of the owner, subdivider, and engineer or surveyor.

### **9-02.02-40 [Existing Conditions]**

The following existing conditions shall be shown on the tentative plan:

- A. The location, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features such as section lines, section corners, city boundary lines, and monuments;
- B. Contour lines related to some established bench mark or other datum approved by the City Engineer and having minimum intervals as follows:
  - 1. For slopes of less than five percent (5%): show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed;
  - 2. For slopes of five percent (5%) to fifteen percent (15%): five (5) feet;
  - 3. For slopes of fifteen percent (15%) to twenty percent (20%): ten (10) feet;
  - 4. For slopes of over twenty percent (20%): twenty (20) feet;
- C. The location of at least one (1) temporary bench mark within the subdivision boundaries;
- D. The location and direction of water courses and the location of areas subject to flooding;
- E. Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees;
- F. Existing uses of the property and location of existing structures to remain on the property after platting.

### **9-02.02-50 [Proposed Plan of Subdivision]**

The following information shall be included on the tentative plan of a subdivision:

- A. The location, width, names, approximate grades and radii of curves of proposed streets. The relationship of streets to projected streets as shown on any development plan or, if no complete development plan is in effect in the area, as suggested by the Planning Commission to assure adequate traffic circulation;
- B. The location, width and purpose of proposed easements;
- C. The location and approximate dimensions of proposed lots and the proposed lot and block numbers;
- D. Proposed sites, if any, allocated for purposes other than single-family dwellings.

### **9-02.02-60 [Partial Development]**

If the subdivision proposal pertains to only part of the tract owned or controlled by the subdivider, the Planning Commission shall require a sketch of a tentative layout for streets in the unsubdivided portion.

### **9-02.02-70 [Explanatory Information with Tentative Plan]**

Any of the following information may be required by the Planning Commission and, if it cannot be shown practicably on the tentative plan of a subdivision, it shall be submitted in separate statements accompanying the plan:

- A. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities;
- B. Proposed deed restrictions, if any, in outline form;
- C. The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes and electric lines.

### **9-02.02-80 [Supplemental Proposals with Tentative Plan]**

Any of the following may be required by the Planning Commission to supplement the plan of subdivision:

- A. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction;
- B. A plan for domestic water supply lines and related water service facilities;
- C. Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways;
- D. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil;
- E. Proposals for other improvements such as electric utilities and sidewalks.

## **9-02.03 [Tentative Plan Review]**

### **9-02.03-10 [Preliminary Review of Tentative Plan]**

Upon receipt, the City Recorder or City Planner shall furnish one (1) copy of a tentative plan and supplementary material to the City Engineer, Fire Chief, Police, Superintendent of Schools, Public Works Director, City Health Officer, manager of the West Oregon Electric Cooperative, Inc., manager of the Vernonia area of the General Telephone Company of the Northwest, Inc., and such other agencies as are known to be affected. Other agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given a reasonable time to review the plan and to suggest revisions that appear to be in the public interest.

### **9-02.03-20 [Approval of Tentative Subdivision Plan]**

- A. In accordance with the Type III permit provisions, the City shall find the Tentative Plan application is complete and then schedule a public hearing before the Planning Commission in accordance with Section 9-01.10.40.
- B. Approval of the tentative plan shall indicate approval of the final plat if there is no change in the plan of the subdivision and if the subdivider complies with the requirements of this code.
- C. The action of the Planning Commission shall be noted on two (2) copies of the tentative plan, including reference to any attached documents describing conditions. One (1) copy shall be returned to the subdivider, and the other shall be retained by the Planning Commission.
- D. Tentative Plan Approval Criteria.** The Planning Commission may approve, approve with conditions or deny a tentative subdivision plan based on the following approval criteria:
  - 1. The proposed tentative plan complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this article and the applicable chapters of Title 9 shall apply. Where a variance is necessary to receive preliminary approval, the application shall also comply with the relevant variance approval standards;
  - 2. The proposed plan name is not already recorded for a other subdivision, and satisfies the provisions of ORS Chapter 92;
  - 3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedication are identified on the preliminary plan;
  - 4. All proposed private common areas and improvements (e.g. homeowners association property) are identified on the tentative plan; and
  - 5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plan;
  - 6. Evidence that improvements or conditions required by the City, road authority, County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and
  - 7. If any part of the site is located within a specific Area Plan District, Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

**E. Conditions of Approval.** The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations and may require access strips be granted to the City for the purpose of controlling and assuring access to adjoining undeveloped properties.

## **9-02.04 [Subdivision Plat]**

### **9-02.04-10 [Submission of the Subdivision Plat]**

Within one (1) year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The subdivider shall submit the original drawing, five (5) prints, and any supplementary information to the City. If the subdivider wishes to proceed with the subdivision after the expiration of the one (1) year period following the approval of the tentative plan, he must submit a new tentative plan and make any revision necessary to meet changed conditions.

### **9-02.04-20 [Information on Plat]**

In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the plat:

- A. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  - 1. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision;
  - 2. Adjoining corners of adjoining subdivisions;
  - 3. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this chapter;
- B. The exact location and width of streets and easements intercepting the boundary of the tract;
- C. Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings. Distances shall be shown to the nearest one hundredth (0.01) feet. No ditto marks shall be used;
- D. The width of the portion of streets being dedicated and the width of existing rights-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated;
- E. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication;
- F. Lot numbers beginning with the number one (1) and numbered consecutively;
- G. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale;
- H. Building setback lines, if any are to be made a part of the subdivision restrictions;
- I. The following certificates which may be combined where appropriate:
  - 1. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat;
  - 2. A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;



3. A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map;
4. Other certifications now or hereafter required by law.

#### **9-02.04-30 [Supplemental Information with Plat]**

The following data shall accompany the plat:

- A. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;
- B. Sheets and drawings showing the following:
  1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any;
  2. The computation of distances, angles and courses shown on the plat;
  3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
- C. A copy of any deed restrictions applicable to the subdivision;
- D. A copy of any dedication requiring separate documents;
- E. A list of all taxes and assessments on the tract which have become a lien on the tract;
- F. A certificate by the City Engineer that the subdivider has complied with the requirements of [Section 9-02.06-10](#) and [9-02.06-20](#).

#### **9-02.04-40 [Technical Plat Review]**

- A. Upon receipt by the City, the plat and other data shall be reviewed by the City Engineer who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that there has been compliance with provisions of the law and of this code.
- B. The City Engineer may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and his representatives may enter the property for this purpose.
- C. If the City Engineer determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.

#### **9-02.04-50 [Approval of the Plat]**

Upon receipt of the plat with the approval of the City Engineer, the Planning Commission shall determine whether it conforms with the approved tentative plan and with these regulations. If the Planning Commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Commission determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the chairman of the Planning Commission. The approval of the plat does not constitute or affect an acceptance by the public of the dedication of any street or other easement shown on the plat.

### **9-02.04-60 [Filing of Plat]**

A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within ninety (90) days after the date the last required approving signature has been obtained.

### **9-02.04-70 [Expedited Land Divisions]**

A. An Expedited Land Division (“ELD”) shall be defined and may be used as provided under ORS 197.360 through 197.380.

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;
2. Review procedure. All applications for Expedited Land Divisions shall comply with ORS 197.360 through 197.380 and the [city] Comprehensive Plan; ORS 197.360 through ORS 197.380 details the criteria, application and notice requirements, and action and appeal procedures for expedited land divisions.
3. Appeal procedure. An appeal of an ELD shall follow the procedures in ORS 197.375. Where the City has not otherwise appointed a hearings officer (referee) for such appeals, and the City Attorney is a Contractor (not a city employee), the City Attorney shall serve as the referee for ELD appeals.

## **9-02.05 [Approval of Partitions]**

### **9-02.05-10 [Creation of a Public Street Outside a Subdivision]**

- A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivision except, however, the Planning Commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
1. The establishment of a public street is initiated by the City Council or Board of County Commissioners and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
  2. The tract in which the street is to be dedicated is a major partition within an isolated ownership either of not over one (1) acre or of such size and characteristics as to make it impossible to develop building sites for more than three (3) dwellings units.
- B. In those cases where approval of a public street is to be without full compliance with the regulations applicable to subdivision, a copy of a tentative plan and the proposed deed shall be submitted to the City Planning Commission at least thirty (30) days prior to the Planning Commission meeting at which consideration is desired. The plan, deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of [Section 9-02.07-10](#) and [9-02.09-30](#) of these regulations, shall be approved with conditions necessary to preserve these standards.

### **9-02.05-20 [Creation of Private Street Outside a Subdivision]**

A street which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in [Section 9-02.05-10](#) of these regulations, except that a private street to be established by deed without full compliance with these regulations shall be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep land parcel of a size to warrant partitioning into not over two (2) parcels may be provided with access. A copy of the tentative plan to create the street and partition the tract shall be submitted to the City Planning Commission at least five (5) days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved.

### **9-02.05-30 [Partitioning Procedure]**

A partition shall be approved under the following procedure:

- A. There shall be submitted to the Planning Commission a tracing of fifteen (15) copies of a tentative plan 8½ by 11 inches, or 18 by 24 inches in size with the following information:
1. The date, northpoint, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location;
  2. Name and address of the record owner and of the person who prepared the tentative plan;
  3. Approximate acreage of the land under a single ownership or, if more than one (1) ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning;
  4. For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets; location, width and purpose of other existing easements; and location and size of sewer and water lines and drainage ways and the location of power poles;

5. Outline and location of existing buildings to remain in place;
  6. Parcel layout, showing size and relationship to existing or proposed streets and utility easements;
  7. One (1) copy of the recorded survey of the parcels;
  8. Such additional information as required by the Planning Commission;
- B.** Within forty (40) days from the first regular Planning Commission meeting, filing submission of a tentative plan for a partitioning, and in accordance with the Type III permit provisions, the Planning Commission shall review the plan and the reports of appropriate officials and agencies. The Planning Commission may approve the tentative plan as submitted or as it may be modified. If the Planning Commission does not approve the plan, it shall express its disapproval and its reasons thereof.
- C.** If the location or type of land is not such as has been defined for routine approval or if the proposed partitioning does not appear to comply with the requirements for routine approval, the tentative plan shall be submitted for Planning Commission review and determination that the proposal will comply with this code. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than could be required if the tract were subdivided;
- D.** When a tentative plan has been approved, all copies shall be marked with the date and conditions, if any, of approval. When compliance with conditions has been assured, the plan shall be marked approved and then becomes the partition map;
- E.** The provisions of [Section 9-02.03-10](#) apply to review of a major partition.

## **9-02.06 [Additional Provisions]**

### **9-02.06-10 [Agreement for Improvements]**

Before Planning Commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of property or execute and file with the City Administrator an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City which shall not exceed ten percent (10%) of the cost of the improvements to be installed.

### **9-02.06-20 [Bond]**

- A. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one (1) of the following:
  - 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney;
  - 2. A personal bond co-signed by at least one (1) additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement;
  - 3. Cash.
- B. Such assurance of full and faithful performance shall be for a sum approved by the City Council as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.
- C. If the land divider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds cost and expense incurred by the City, it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the land divider shall be liable to the City for the difference.

### **9-02.06-30 [Land for Public Purposes]**

- A. If the City has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one (1) year, at a cost not to exceed the value of the land prior to subdivision.
- B. In addition to the requirements of [9-01.06-30.A.](#) of this section, the subdivider shall pay into a City Parks and Recreation Fund a sum of money equal to six percent (6%) of the true market value of the land in the subdivision. The sums so contributed shall be used to aid in securing, developing, and maintaining areas for park and recreation purposes to serve the city. If the nature of the subdivision is such that over thirty-four percent (34%) of the tract to be subdivided is being dedicated to the public for streets, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed forty percent (40%).

## **9-02.07 [Lot Line Adjustment]**

### **9-02.07-10 [Lot Line Adjustment Procedures]**

- A. Applications for property line adjustments shall be reviewed by the City Administrator, or his/her designee **in accordance with the Type I permit provisions**. Approval shall be given only upon determination of compliance with the provisions of Subsections [9-02.07-10.B.](#) through [9-02.07-10.E.](#) of this section.
- B. An applicant for a property line adjustment shall confer with the City Administrator to determine feasibility and procedures.
- C. Submission Requirements- The applicant shall submit two (2) copies of each of the following documents to the City Administrator:
  - 1. A completed application, on a form as provided by the City;
  - 2. A boundary line survey as described in Subsection [9-02.07-10.D.](#) of this section, unless exempt as provided therein;
  - 3. Legal descriptions of the tract of land to be conveyed to create the adjusted property line and of the new resulting tax lots; and
  - 4. A receipt from the County Assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year;
- D. Survey
  - 1. The adjustment shall be surveyed in accordance with ORS 92.060(7); provided however, that the requirements of ORS 92.060(7) shall not apply to the relocation of a currently monumented common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary;
  - 2. The adjustment survey shall include in its title the following: "Proposed Property Line Adjustment Survey," shall identify the City planning file number immediately below the title block, and shall be signed by the City Administrator, together with the date of approval.
- E. Review and Recording- The documents effectuating the adjustment as approved shall be properly prepared, reviewed and approved by the City, and executed and recorded with the County within six (6) months following approval by the City Administrator.
- F. No lot line adjustment shall be granted in any zone if said lot line adjustment would create a new buildable lot.

## **9-02.08 [Design Standards]**

### **9-02.08-10 [Principles of Acceptability]**

A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this code.

### **9-02.08-20 [Streets]**

- A. General- The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:
1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- B. Required Right-of-Way and Roadway Width- Unless otherwise indicated on the development plan, the street right-of-way and roadway widths shall not be less than the width in feet shown in the following table:

Type of Street	Minimum Right-of-Way Width (Feet)	Required Roadway Width (Feet)
<b>Urban</b>		
Local-New Construction	50	28
Local-Preferred Retrofit	46	24
Local- Minimum Retrofit	25	18
Collector	62	38
Arterial	70	48
<b>Rural</b>		
Local	30	18
Collector	62	36
Arterial	60	34
Radius for Turn Around at End of Cul-de-Sac	50	40
Alleys	20	20

- Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower rights-of-way may be accepted, ordinarily not less than fifty (50) feet. If necessary, slope easements may be required.
- C. Reserve Strips- Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.
- D. Alignment- As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in

“T” intersections shall, wherever practical, leave a minimum distance of two hundred (200) feet between the center lines of streets having approximately the same direction and, in no case, shall be less than one hundred (100) feet.

- E. Future Extensions of Streets-** Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- F. Intersection Angles-** Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than eighty (80) degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred (100) feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty (50) feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two (2) streets at any one (1) point will not be approved.
- G. Existing Streets -** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.
- H. Half Streets -** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of the half streets.
- I. Cul-de-Sac-** A cul-de-sac shall be as short as possible and shall have a maximum length of two hundred (200) feet and serve building sites for not more than eighteen (18) dwelling units. A cul-de-sac shall terminate with a circular turn-around.
- J. Street Names-** Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the Planning Commission.
- K. Grades and Curves-** Grades shall not exceed six percent (6%) on arterials, ten percent (10%) on collector streets or twelve percent (12%) on other streets. Center line radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet on secondary arterials, one hundred (100) feet on other streets, and shall be to an even ten (10) feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In plat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least one half of a percent (0.5%).
- L. Streets Adjacent to Railroad Right-of-Way -** Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.



- M. Marginal Access Streets-** Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- N. Alleys-** Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than twelve (12) feet.

### **9-02.08-30 [Blocks]**

- A. General-** The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.
- B. Size-** No block shall be more than one thousand (1,000) feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is eighteen hundred (1,800) feet. A block shall have sufficient width to provide for two (2) tiers of building sites unless topography or the location of adjoining streets justifies an exception.
- C. Easements-**
- 1. Utility Lines-** Easements for sewers, water mains, electric lines or other public utilities shall be dedicated where necessary. The easements shall be at least twelve (12) feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to six (6) feet in width;
  - 2. Water Courses-** If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required;
  - 3. Pedestrian and Bicycle Ways-** When desirable for public convenience, a pedestrian or bicycle way may be required to connect a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation (especially where a shortcut would be created to a pedestrian attraction, such as a school, park or neighborhood commercial development).

#### **9-02.08-40 [Building Sites]**

- A. Size and Shape- The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated and shall be consistent with the residential lot size provisions of the [Zoning Code](#) with the following exceptions:
1. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department for Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank;
  2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- B. Access- Except as set forth in [Section 9-02.05-20](#), each lot and parcel shall abut upon a street other than an alley for a width of at least twenty-five (25) feet.
- C. Through Lots and Parcels- Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incompatible use.
- D. Lot and Parcel Side Lines- The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

#### **9-02.08-50 [Grading of Building Sites]**

Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

- A. Cut slopes shall not exceed one and one half (1½) feet horizontally to one (1) foot vertically;
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically;
- C. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended;
- D. Provision shall be made for any storm water drainage created by such grading and/or filling in accordance with the requirements of standards contained in the State Building Code as adopted by the City.

#### **9-02.08-60 [Building Lines]**

If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat, or, if temporary in nature, they shall be included in the deed restrictions.

### **9-02.08-70 [Large Building Sites]**

In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

## **9-02.09 [Improvements]**

### **9-02.09-10 [Improvement Procedures]**

In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the requirements of this chapter and improvement standards and specifications followed by the City, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition;
- B. Improvement work shall not commence until after the City is notified, and if work is discontinued for any reason it shall not be resumed until after the City is notified;
- C. Improvements shall be constructed under the inspection and to the satisfaction of the appropriate City Council committee. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change;
- D. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made;
- E. A map showing public improvements as built shall be filed with the City upon completion of the improvements.

### **9-02.09-20 [Specifications for Improvements]**

The appropriate City Council committee shall prepare and submit to the City Council specifications to supplement the standards of this code based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the design and construction of required public improvements, such other public facilities as a developer may elect to install, and private streets.

### **9-02.09-30 [Improvements in Subdivisions]**

The following improvements shall be installed at the expense of the subdivider and at the time of subdivision:

- A. Streets- Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers and drainage ways. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines.
- B. Surface Drainage and Storm Sewer System- Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
- C. Sanitary Sewers- Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the City

trunk system, the Planning Commission may authorize the use of septic tanks if lot areas are adequate considering the physical characteristics of the area and if sewer laterals designed for future connection to a sewage disposal system are installed and sealed. Design by the City Engineer shall take into account the capacity and grade to follow for desirable extension beyond the subdivision.

If required sewer facilities will without further sewer construction directly serve property outside the subdivision, the following arrangements will be made to equitably distribute the cost:

1. If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project, with such arrangement with the subdivider as is desirable to assure financing his share of the construction;
2. If the installation is not made as an assessment project, the City will reimburse the subdivider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of ten (10) years from the time of installation of the sewers, the actual amount shall be as determined by the City Council of the City of Vernonia at the time of approval of the plat, considering current construction costs.

**D. Water System-** Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to City mains shall be installed. The City Engineer's design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system.

If required water mains will directly serve property outside the subdivision, the City will reimburse the subdivider an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of ten (10) years from the time of installation of the mains. The actual amount shall be as determined by the City Council at the time of approval of the plat, considering current construction costs.

**E. Sidewalks-** Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of primary or secondary arterials, or special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one half (2½) or less dwellings per gross acre, the requirements of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets involved.

**F. Bicycle Routes-** If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.

**G. Street Name Signs-** Street name signs shall be installed at all street intersections, with specifications as approved by the City Council of the City of Vernonia.

**H. Street Lights-** Street lights shall be installed and shall be served from an underground source of supply.

**I. Other-** The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

#### **9-02.09-40 [Improvements in Partitions]**

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision. However, if the Planning Commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Commission shall except those improvements. In lieu of excepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

#### **9-02.09-50 [Street Improvements in Existing Platted Areas]**

- A. No building permit shall be issued for the construction of any new building or structure, or for the remodeling of any existing building or structure which results in an increase in size or change of use, excepting remodel permits for single-family dwellings not resulting in a change of use, unless the applicant for said building permit agrees to construct street improvements which include curbs (sidewalks and all other frontage improvements required in the design standards for the roadway functional classification), along all city streets that abut the property described in the building permit.
- B. The determination of whether the remodeling of an existing building or structure is sufficient to cause the property owner to construct street improvements shall be made by the City Administrator. The City Administrator shall make this determination based upon finding that the increase in building size or change of use results in either:
  - 1. An increase in floor area which creates the need for additional on-site parking in accordance with the [Zoning Code](#), or
  - 2. A change in use that results in a need for additional on-site parking, or
  - 3. An increase in the dwelling unit density on the site, or
  - 4. A change in the type, number, or location of access ways where off-site traffic will be affected.
- C. Notwithstanding any other provisions of this chapter, in cases where the issuance of the building permit pertains to the construction or reconstruction of a building or structure within a large development owned by the same owner or owners, the City Council may, in its sole discretion, authorize the installation of street improvements of equivalent cost on another portion of the total development area.
- D. Street improvements shall be installed according to City standards and shall be completed prior to the issuance of any occupancy permit for the new or remodeled structure or building. In unimproved areas of the city, the City Administrator may grant a time extension of the provisions of this section, provided that the applicant provides sufficient security in amount and quantity satisfactory to the City Attorney to assure payment of such improvement costs.

## **9-02.10 [Exceptions, Variance]**

### **9-02.10-10 [Exceptions in Case of a Planned Unit Development]**

The standards and requirements of these regulations may be modified by the Planning Commission in the case of a planned unit development.

### **9-02.10-20 [Variance Application]**

The Planning Commission may authorize conditional variances to requirements of this chapter. Application for a variance shall be made by a petition of the land divider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan. A variance may be granted only in the event that all of the following circumstances exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this chapter have had no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this code, or to property in the same vicinity in which the property is located, or otherwise in conflict with the objectives of any City plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship.

### **9-02.10-30 [Planning Commission Action on Variances]**

In granting or denying a variance, the Planning Commission shall make a written record of its findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The City shall keep the findings on file as a matter of public record.

### **9-02.10-40 [Appeal]**

- A. A person may appeal to the City Council from a decision or requirement made by the Planning Commission or the City Administrator. Written notice of the appeal must be filed with the City within ten (10) days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.
- B. The City Council shall hold a hearing on the appeal within thirty (30) days from the time the appeal is filed. The Council may continue the hearing for good cause. Following the hearing the Council may overrule or modify the decision or requirement made by the Planning Commission if the decision of the Council complies with the spirit and intent of the code. The disposition of the appeal shall be final.

### **9-02.10-50 [Penalties for Violation]**

In addition to penalties provided by State law, a person who violates or fails to comply with a provision of this chapter shall be punished by a fine of not more than five hundred dollars (\$500). A violation of this chapter shall be considered a separate offense for each day the violation continues.

### **9-02.10-60 [Fee Schedules]**

For the purpose of partially defraying expenses incurred in the administrative processing of this chapter, the filing fees shall be paid to the City of Vernonia at the time of submission of the filing of plans or applications. Fees shall be set by resolution of the City Council



## **Chapter 9-03 [Building Numbering]**

## **9-03 [Building Numbering]**

### **9-03.01 [Numbering Provisions]**

#### **9-03.01-10 [Duty to Number Buildings]**

It is hereby made the duty of the owner, agent or person in possession of every building in the City of Vernonia, to number it in the manner herein provided.

#### **9-03.01-20 [Present Numbers Continue]**

The numbers hereinbefore assigned to lots, houses or buildings, except as hereinafter provided, shall remain the number of such lots, houses or buildings respectfully until otherwise changed by the Council.

#### **9-03.01-30 [Numbering System]**

All lots, houses or buildings on streets and thoroughfares within the City of Vernonia (exclusive of alleys) shall be numbered as follows:

- A. All east and west streets shall be numbered from east to west, beginning east; and all north and south streets shall be numbered from south to north, beginning south; and all streets having a northerly or southerly course shall be deemed north and south streets, and all streets having an easterly and westerly course shall be deemed east and west streets;
- B. One hundred (100) numbers shall be assigned to each block on any street within the city; said blocks shall be all territory which would be so designated if streets running in the opposite direction were extended to intersect such streets, and no other intersecting streets, courts or alleys shall be deemed boundaries;
- C. Every six (6) feet within each block shall be assigned a number, and if there be a conflict the next ensuing number shall be assigned. All north and south streets shall begin at the north boundary of River Street with the number four hundred (400) and every east and west streets shall begin with the west boundary of Columbia Avenue with the number one hundred (100). All even numbers shall be on the north and east sides of the streets and all odd numbers shall be on the west and south sides of the streets;
- D. All numbers of lots, buildings and houses shall be in sequence, and all lots, houses and buildings where streets would be if extended to the point of intersection, shall be assigned the ensuing numbers of the block preceding them.

#### **9-03.01-40 [Specifications]**

Each of the figures of every such number on any house or building shall be not less than three (3) inches in length, being so marked as to be distinctly and easily read; such numbers shall be placed in a conspicuous place on the side of or above the front door or the building to which the same is attached.

## **9-03.02 [Administrative Provisions]**

### **9-03.02-10 [Maps]**

The Street Committee of the City of Vernonia, shall have prepared from time to time maps of the several streets, showing the numbers of all lots, houses or buildings, and in all cases where such maps are prepared they shall be kept of record in the office of the City Recorder.

### **9-03.02-20 [Assignment of Numbers]**

The City Recorder shall assign or cause to be assigned to each lot, house or building its proper number and shall inform the owner, agent or person in possession of such premises as to the number thereof at any time upon demand.

### **9-03.02-30 [Changing of Numbers]**

Whenever any building or house has been numbered in accordance with the provisions of this chapter such number shall not be changed or altered without the consent of the City Recorder under penalty of not more than twenty-five dollars (\$25) for each such offense.

### **9-03.02-40 [Adjustments by Recorder]**

In all cases where house numbers have been assigned on any street in pursuance to this chapter or any other provisions hereafter passed, it shall be the duty of the Recorder thereafter to adjust and re-assign such numbers as the same may be required from time to time; and in all cases where there is a mistake or conflict of numbers, said Recorder shall make the proper adjustment of the same.

### **9-03.02-50 [Penalties]**

Any person being the owner, agent or person in possession of any building now erected in the city, who shall for thirty (30) days neglect or refuse to number any building owned or occupied by him, in conformity with the provisions of this chapter, shall be fined five dollars (\$5), and a further penalty of five dollars (\$5) for each such thirty (30) days that said building shall be without its number. Any owner or occupant of any house or building hereafter erected shall for thirty (30) days after the same shall be erected, neglect or refuse to number the same according to the provisions of this chapter shall be fined five dollars (\$5), and a further fine of five dollars (\$5) for each such thirty (30) days after said building shall be without number.

## **Chapter 9-04 [Sidewalks]**

## **9-04 [Sidewalks]**

### **9-04.01 [Introductory Provisions]**

#### **9-04.01-10 [Definitions]**

Unless the context requires otherwise, the following words and phrases shall mean:

- A. “Person” means a natural person, firm, corporation, or other legal entity.
- B. “Sidewalk” means the part of the street right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians.
- C. “New Construction” means any structure, including a stick built home and/or a manufactured home, that requires the construction of a new foundation under it which is intended and designed for the occupancy of any person or family.

### **9-04.02 [Sidewalk Construction and Repair]**

#### **9-04.02-10 [Sidewalk Construction Required]**

- A. The owner of any property not having sidewalks shall agree to install and pay for sidewalks to be constructed in accordance with the specifications contained in [Section 9-04.03-10](#) as a condition to the issuance of a building permit for new construction, except as provided in [Subsection 9-04.02-10.B.](#) of this section. The structure for which the permit is issued shall not be occupied until the sidewalks have been constructed.
- B. The construction of sidewalks required in [Subsection 9-04.02-10.A.](#) of this section may be deferred upon execution by the property owner of a binding agreement in favor of the City requiring future sidewalk construction by, and at the expense of, the property owner and the owner’s successors in the interest. The agreement shall be in a form satisfactory to the City Administrator or the City Administrator’s designee. This subsection is applicable only when one (1) or more of the following conditions is found to exist as recommended by the Director of Public Works and confirmed by the City Council:
  - 1. Construction of sidewalks is not feasible due to limiting physical conditions;
  - 2. All property within three hundred (300) feet on each side of the side lot lines of the property for which the building permit is issued is fully developed and none of the fully developed properties have sidewalks.
- C. When, after consideration of the conditions as set forth in [Section 9-04.02-40](#), the City Council determines that a sidewalk needs to be constructed adjacent to an existing structure, it shall, by resolution, declare the property to be defective and direct the Director of Public Works to issue a written notice which shall advise the owner of the property that sidewalks are required, that absence of a sidewalk is a defect and, for the public good and in the interest of public safety, to install a sidewalk. The notice shall also contain a copy of the sidewalk construction standards as are in effect at the time of the issuance of such notice. The notice shall be delivered in accordance with the provisions of [Section 9-04.03-20](#).

#### **9-04.02-20 [Duty to Repair and Clear Sidewalks]**

It is the duty of an owner of land adjoining a street to maintain in good repair, and remove obstructions from, the adjacent sidewalk.

#### **9-04.02-30 [Conditions for Requiring Sidewalk Construction]**

- A. The following conditions shall be considered in determining if the City Council shall order construction of sidewalk adjacent to any existing structure:
  - 1. The presence of a street which has been fully developed to City standards is adjacent to the property, and
  - 2. The presence of existing sidewalk on properties immediately adjacent to the property, and
  - 3. If the property is in an area which has been identified in the Comprehensive Plan of the City as requiring sidewalk, and
  - 4. That due to the presence of a school, or other public facility, in the area it would be in the interest of public safety to have a sidewalk installed, and
  - 5. The topography of the area would not prevent reasonable installation of a sidewalk.
- B. The City Council shall find that the condition of [Paragraph 9-04.02-30.A.1](#) of this section exists and shall further determine that at least two (2) of the other conditions also exist before proceeding under the provisions of [Subsection 9-04.02-10.C](#).

#### **9-04.02-40 [Property Owner to Fill between Curb and Walk]**

It shall be the duty of a property owner to fill in the space between the curb and sidewalk adjacent to the owner's property, and to the curblines of the street at the intersections, with earth to a level and grade with the curb and sidewalk.

#### **9-04.02-50 [Liability for Sidewalk Injuries]**

- A. The owner of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of the negligence of the owner by failing to maintain the sidewalk in good condition.
- B. If the City is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty [Section 9-04.02-20](#) imposes, the person shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.

#### **9-04.02-60 [Repair of Sidewalks by Adjacent Property Owners]**

Whenever the City Administrator or designee determines that a sidewalk is defective, notice of the nature of the defect and the location of the defective sidewalk shall be given to the adjacent property owner, together with a demand that the defect be repaired at the expense of the owner within thirty (30) days of the date of the notice.

## **9-04.03 [Administrative Provisions]**

### **9-04.03-10 [Specifications]**

All sidewalks shall be constructed, reconstructed, repaired or maintained in accordance with reasonable specifications established by the Director of Public Works and approved by the City Administrator. The specifications shall be kept on file in the office of the Department of Public Works, and copies shall be available for inspection by contractors and property owners desiring to construct sidewalks. The Department of Public Works, with the approval of the City Administrator, is authorized to establish standards with regard to sidewalk grades, locations and widths, materials, and construction. Any contractor or property owner aggrieved by these standards may appeal to the Council by filing a written protest with the City Recorder.

### **9-04.03-20 [Delivery of Notice]**

The notice referred to in [Subsection 9-04.02-10.C.](#) and [Section 9-04.02-60](#) shall be either delivered personally to the adjacent property owner or mailed by first-class mail, postage prepaid, to the address of the owner of the property, as indicated on the last assessment roll according to the records of the Department of Revenue and Taxation of Columbia County.

### **9-04.03-30 [Repair Period; Extension of Time]**

The owner of the property adjacent to the defective sidewalk shall cause the necessary repairs to be made in accordance with the standards and specifications of the City for sidewalk construction within thirty (30) days from the date of personal service or the date of mailing of the notice to repair. The time within which the repairs are to be made may be extended by the City Administrator or designee, for a good cause shown, but the extension shall not exceed thirty (30) days. Application for time extensions shall be submitted in writing.

### **9-04.03-40 [Costs of Repairs]**

All costs of repair of defective sidewalks shall be paid by the adjacent property owner.

### **9-04.03-50 [Repair by City]**

If the required repairs to the sidewalk have not been completed within the time allowed, the City may make the necessary repairs and charge the cost, including reasonable engineering and inspection costs, to the adjacent property owner. The repair may be made either by the City or by a private contractor chosen by the City.

### **9-04.03-60 [Notice of Repair Assessment]**

After costs of repairs made by the City have been calculated, the property owner shall be notified in the manner provided by [Section 9-04.03-20](#).

#### **9-04.03-70 [Unpaid Costs as Lien]**

If the adjacent property owner fails to pay the costs of repair of the defective sidewalk within thirty (30) days of the date of the notice declaring the cost of the repair, the cost shall be entered by the recorder in the docket of City liens and shall be collectible in the same manner as liens for public improvements.

#### **9-04.03-80 [Penalty]**

Violation of this chapter is punishable by a fine not to exceed one hundred dollars (\$100). Each day's violation of a provision of this chapter constitutes a separate offense.



## **Chapter 9-05 [Flood Hazard Reduction]**

## **9-05 [Flood Hazard Reduction]**

### **9-05.01 [Introductory Provisions]**

#### **9-05.01-10 [Statutory Authorization]**

The Legislature of the State of Oregon has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Council of the City of Vernonia, State of Oregon has adopted the following regulations:

#### **9-05.01-20 [Statement of Purpose]**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **9-05.01-30 [Definitions]**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- A. “Area of Special Flood Hazard” means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- B. “Base Flood” means the flood having a one percent (1%) of being equaled or exceeded in any given year. Also referred to as the “one hundred (100) year flood.” Designation on maps always includes the letters A or V.
- C. “Development” means any man-made change to any improved or unimproved real estate, including but not limited to a building, porch, stairway, deck, fence or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, land clearing, landscaping or permanent storage of materials or equipment located within the Flood Plain Management Area.

- D. "Flood" or "Flooding" means a general and temporary condition or partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters; and/or,
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
- E. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- F. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- G. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- H. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at Paragraph [9-05.03-20.A.2](#).
- I. "Manufactured Home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred and eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- J. "New Construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.
- K. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start date means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include erection of temporary forms; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- L. "Structure" means the walled and roofed building including a gas or liquid storage tank that is principally above ground.
- M. "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
1. Before the improvement or repair is started; or,

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commenced, whether or not that alteration affects the external dimensions of the structure.

#### **9-05.01-40 [Lands to Which This Chapter Applies]**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Vernonia.

#### **9-05.01-50 [Basis for Establishing the Areas of Special Flood Hazard]**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the City of Vernonia,” dated August 16<sup>th</sup>, 1988 with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at 1001 Bridge St., Vernonia, Oregon 97064.

## **9-05.02 [Administrative Provisions]**

### **9-05.02-10 [Establishment of Development Permit]**

**A. Flood Plain Development Permit Required-** Except for floodway restrictions described in Section 9-05.03-30, a Flood Plain development permit shall be obtained in accordance with the Type I permit provisions before construction or development begins within any area of special flood hazard established in [Section 9-05.01-50](#). Any development or change in land use in the floodplain, including but not limited to new or modified structures; stairways; porches; decks; fences; walls; excavation; filling; paving; drilling or drilling of piles; mining; dredging; land clearing or landscaping; or permanent storage of materials and/or equipment.

**B. Application for Flood Plain Development Permit.** An application for a Flood Plain Development Permit shall be made on forms furnished by the City of Vernonia and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood proofed;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 5.2.2; and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
5. Location of all proposed fences, walls, stairways and plantings.

### **9-05.02-20 [Designation of the Planning Commission or Administrative Staff]**

The Planning Commission or Administrative City Staff are hereby appointed to administer and implement this chapter by granting or denying development permit application in accordance with the provisions herein.

## **9-05.02-30 [Duties and Responsibilities of the Planning Commission]**

Duties of the Planning Commission or City Staff shall include, but not be limited to:

**A. Permit Review-**

- 1.** Review all development permits to determine that the permit requirements of this chapter have been satisfied;
- 2.** Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
- 3.** Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of [Subsection 9-05.03-30.A](#) are met;

**B. Use of Other Base Flood Data-** When base flood elevation data has not been provided in accordance with [Section 9-05.01-50](#)- Basis for Establishing the Areas of Special Flood Hazard, the Planning Commission shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections [9-05.03-20](#) [Specific Standards] and [9-05.03-30](#) [Floodways];

**C. Substantial Damage Determination Process.** The cost of improvements or repair shall be determined in accordance with the following guidelines:

- 1.** Except as indicated in subsections (4) and (5) below, all costs associated with the repair of “substantial damage,” including emergency repairs, must be included.
- 2.** The costs associated with the correction of pre-existing violations of state or local health, sanitary, or safety code specifications that have been identified in writing prior to the improvement of repair by the building official, the director of environmental health, or any other local code enforcement official and that are the minimum necessary to assure safe living conditions, should not be included.
- 3.** Except as indicated in subsections (4) and (5) below, the costs of complying with any county, state, or federal regulation other than those costs described in subsection (2) must be included.
- 4.** Costs associated with the following items are not to be included:
  - a.** The preparation and approval of all required plans, calculations, certifications, and specifications;
  - b.** The performance of surveys or other geotechnical or engineering studies and the resulting reports;
  - c.** Permit and review fees assessed by the city or others;
  - d.** The construction, demolition, repair, or modification of outside improvements, including landscaping, fences, swimming pools, detached garages, etc.
- 5.** Proposed alteration of a designated historic building or structure is not to be considered a substantial improvement, unless the alteration causes a loss of the said designation.

The building official or city's designee shall make the final determination of whether the proposed building's or structure's improvement constitutes a "substantial improvement" or "substantial damage" to the subject building or structure.

**D. Information to be Obtained and Maintained-**

1. Where base flood elevation data is provided through the Flood Insurance Study or required as in [Subsection 9-05.02-30.B](#), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
2. For all new or substantially improved floodproofed structures:
  - a. Verify and record the actual elevation (in relation to mean sea level); and,
  - b. Maintain the floodproofing certifications required by this chapter;
3. Maintain for public inspection all records pertaining to the provisions of this chapter;

**D. Alteration of Water Course-**

1. Notify adjacent communities and any required state agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished;

**E. Interpretation of Flood Plain Management Boundaries.** Make interpretations where needed, as to exact location of the Flood Plain Management Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation to the Planning Commission or the City's designee. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

## **9-05.03 [Flood Hazard Reduction Provisions]**

### **9-05.03-10 [General Standards]**

In all areas of special flood hazards, the following standards are required:

**A. Anchoring.**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques);

**B. Construction Materials and Methods.**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
4. Consideration will be given to new technologies only after being reviewed and adopted by FEMA.

**C. Utilities.**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

**D. Subdivision Proposals.**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Where Design Flood Elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less);

**E. Review of Building Permits.** Where elevation data is not available either through flood insurance studies or from another authoritative source ([Subsection 9-05.02-30.B](#)), applications for floodplain development and building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs or past flooding, etc., where available. Failure to elevate at least three (3) feet above the highest adjacent grade in these zones may result in higher insurance rates and/or refusal of the city to grant a permit.



**F. Crawlspace Construction.** Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
2. The crawlspace is an enclosed area below Design Flood Elevation and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
3. Portions of the building below the Design Flood Elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the Design Flood Elevation. The recommended construction practice is to elevate the bottom of joists and all insulation above Design Flood Elevation.
4. Any building utility systems within the crawlspace must be elevated above Design Flood Elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the Design Flood Elevation or sealed from floodwaters.
5. The interior grade of a crawlspace below the Design Flood Elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
8. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

### **9-05.03-20 [Specific Standards]**

In all areas of special flood hazards where the Design Flood Elevation data has been provided as set forth in [9-05.01-50](#) [Basis for Establishing the Areas of Special Flood Hazard] or [Subsection 9-05.02-30.B](#) Use of Other Base Flood Data, the following provisions are required:

#### **A. Residential Construction.**

1. Except for floodway restrictions described in Section 9-05.03-30, new construction and substantial improvement, as defined in [9-05.01-30](#), of any residential structure shall have the lowest floor, including basement, elevated a minimum of three (3) feet above the Design Flood Elevation or one (1) foot above the Flood of Record.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
  - b. The bottom of all openings shall be no higher than one (1) foot above grade;
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
  - d. Flood vents are required in a garage if the garage is below the Design Flood Elevation.

#### **B. Nonresidential Construction.** Except for floodway restrictions described in Section 9-05.03-30, new construction and substantial improvement, as defined in [9-05.01-30](#), of any commercial, industrial or other nonresidential structure which has been damaged by flooding shall have the lowest floor, including basement, elevated to a minimum of three (3) feet above Design Flood Elevation, but no less than one (1) foot above the Flood of Record.

Alternatively, any new construction or substantial improvement of any commercial, industrial, or other nonresidential structure, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the Design Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in [Paragraph 9-05.02-30.C.2](#);
4. Nonresidential structures that are elevated but not flood proofed, must meet the same standards for space below the lowest floor as described in [9-05.03-20.A.2](#);
5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based upon rates that are one (1) foot below the flood proofed level (e.g., a building constructed to the Design Flood Elevation will be rated as one (1) foot below that level);

#### **C. Manufactured Homes.** Except for floodway restrictions described in Section 9-05.03-30, all manufactured homes to be placed or substantially improved, as defined in [9-05.01-30](#), due to flood

damage, and located within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of three (3) feet above the Design Flood Elevation, but no less than one (1) foot above the Flood of Record. The manufactured home shall be anchored to an adequately anchored foundation system in accordance with the provisions of [Subsection 9-05.03-10.A.2.](#)

1. Recreational Vehicles. Recreational vehicles placed on sites are required to either:
  - a. Be on the site for fewer than 180 consecutive days,
  - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - c. Meet the requirements Section C. above.
- D. Base Flood Elevations with no Floodways. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within a special flood hazard area, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

### **9-05.03-30 [Floodways]**

Located within the Flood Plain Management Area are areas designated as floodways. Since the floodway is an entirely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potentials, the following provisions apply:

- A. Special flood hazard areas with designated floodways. In addition to those NFIP requirements for designated floodways, Vernonia shall restrict land uses within such areas to include the prohibition of construction or reconstruction of residential structures except for: (a) Repairs, reconstruction, or improvements to a structure which do not alter the original footprint, or proof of a “No –Rise Certification” in accordance with FEMA Region X. A residential dwelling located partially within a designated floodway will be considered as totally within a designated floodway and must comply with this section.
- B. Special flood hazard areas without designated floodways. When a regulatory floodway for a creek or stream (i.e. Bear Creek) has not been designated, the City may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that there will be no increase in the water surface elevation of the base flood. Building and development near streams without a designated floodway shall comply with the requirements of Section 44 CFR 60.3 (b) (3) and (4), and (c) (10) of the NFIP regulations revised as of October 1, 2008.

## **9-05.04 [Additional Provisions]**

### **9-05.04-10 [Penalty]**

**A.** A violation of any provision of this chapter shall, upon conviction, be punishable by a fine of not more than five hundred dollars (\$500.00). A violation of this chapter shall be considered a separate offense for each day the violation continues.

**B.** In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered or used, or land is or is proposed to be used, in violation of this ordinance, the building or land thus in violation shall constitute a nuisance and the City may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

**C. Subject to removal.** A building, sited upon property in violation of this ordinance, shall be subject to removal from such property. However, the building owner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring compliance, the expenses involved may be made a lien against the property.

**D. Warning and Disclaimer of Liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Vernonia or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

## **Chapter 9-06 [Development in Wetlands]**

## **9-06 [Development in Wetlands]**

### **9-06.01 [Introductory Provisions]**

#### **9-06.01-10 [Purpose]**

Pursuant to Paragraph 31 of the Rural Economic and Community Development grant process (“RECD”). The City agrees to comply with such requirements imposed by RECD which include the following:

- A. The City of Vernonia has adopted a flood plain management ordinance, which does control and/or restrict further above-ground development within the boundaries of the one hundred (100) year floodplain within the City’s corporate limits when alternative non-floodplain sites are available.
- B. Under [Chapter 9-05](#) of the Vernonia Municipal Code, the City of Vernonia may not extend new sewer collection lines into floodplain areas for future development within the City’s corporate limits when alternative non-floodplain sites are available. Where such sewer lines already exist in the floodplain areas, such service can continue to be provided as long as it is consistent with the Chapter 9-05 of the Vernonia Municipal Code.

### **9-06.02 [Regulatory Provisions]**

#### **9-06.02-10 [Prohibiting Development]**

The City of Vernonia hereby adopts a policy that will prohibit service to any development that would encroach upon or adversely affect any designated wetlands within the City’s corporate limits. Such policy is subject to periodic review by the City.

## **Chapter 9-07 [Manufactured Housing]**

## **9-07 [Manufactured Housing]**

### **9-07.01 [Introductory Provisions]**

#### **9-07.01-10 [Intent]**

It is the intent of this chapter to encourage the provision of alternative modest income housing in residential areas by permitting the use of manufactured homes as defined herein, in all districts in which similar dwellings constructed on site are permitted subject to the requirements and procedures set forth herein to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same district.

#### **9-07.01-20 [Definitions]**

As used in this chapter the following words and phrases shall mean:

- A. “Anchoring System” means an approved system of straps, cables, turnbuckles, chains, ties or other approved materials used to secure a manufactured home.
- B. “Approved” means acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles or tests by nationally recognized organizations.
- C. “Foundation Siding/Skirting” means a type of wainscoting constructed of fire and weather resistant material, such as aluminum asbestos board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured home.
- D. “Manufactured Home” means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.
- E. “Manufactured Home Subdivision” means a parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.
- F. “Manufactured Housing Construction and Safety Standards Code” means the 1974 Housing and Community Development Act (42 U.S.C. 5401 et sequential), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the US Department of Housing and Urban Development pursuant to HUD rules) and regulations and interpretations of said code by the Oregon Department of Commerce; all of which became effective for mobile/manufactured home construction on June 15<sup>th</sup>, 1976.
- G. “Manufactured or Mobile Home Community (Park)” means a parcel of land on which two (2) or more manufactured or mobile homes are occupied as residences.
- H. “Mobile Home” means a transportable structure larger than three hundred and twenty (320) square feet designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15<sup>th</sup>, 1976.



- I.** “Occupied Space” means the total area horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.
- J.** “Permanent Perimeter Enclosure” means a permanent perimeter structural system completely enclosing the space between the floor joists of the home and ground.
- K.** “Permanent Foundation” means a structural system approved by the Oregon Department of Commerce for transposing loads from a structure to the earth (Must meet flood plain requirements).
- L.** “Support System” means a pad or a combination of footings, piers, caps, plates, and shims, which when properly installed, support the manufactured home.

## **9-07.02 [Regulation of Manufactured Housing]**

### **9-07.02-10 [Applicability]**

- A. Permitted Placement- The establishment, location, and use of manufactured homes as permanent residences approved individually by specific materials, or by design, shall be permitted in any zone permitting installation of a dwelling unit, subject to requirements and limitations applying generally to such residential use in the district, and provided such homes shall meet the following requirements and limitations:
1. The dwelling shall meet the appropriate Exterior Appearance Standards, as hereinafter set forth in [9-07.02-20](#);
  2. The dwelling shall be sited in a district where such use is permitted in the Schedule of Uses, as hereinafter set forth in [9-07.02-30](#);
  3. The dwelling shall receive all required permits and conform with the Comprehensive Plan and other regulations of Vernonia.
- B. Location Out of Parks- This chapter shall only apply to manufactured homes located outside of manufactured or mobile home communities (parks).
- C. Non-Conforming Homes- A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal non-conforming use prior to the adoption of this chapter shall continue to be a legal non-conforming use. If the non-conforming use is discontinued, the land thereafter must be used in conformity with all provisions of this chapter.
- D. Replacement of Non-Conforming Homes- Thereafter, upon application to the building official and subsequent approval thereof, a manufactured or mobile home, deemed a legal non-conforming use, may be replaced by a manufactured home, provided the replacement is of an equal or higher type, as specified in [9-07.02-20](#), [Exterior Appearance Standards]. Equal or higher type means that a mobile home may be replaced with a manufactured home, a manufactured home may be replaced with another manufactured home.
- E. Structural Alteration- Due to its integral design, any structural alteration or modification of a manufactured home after it is placed on the site must be approved by the Building Official of Vernonia.

### **9-07.02-20 [Exterior Appearance Standards]**

- A. Manufactured Home Classification- Manufactured homes shall be classified as to acceptable compatibility or similarity in appearance with site-constructed residences, as follows:
1. A manufactured home:
    - a. Shall have more than nine hundred and fifty (950) square feet of occupied space in a double-section or larger multi-section unit;
    - b. Shall be placed on an excavated and back-filled foundation which encloses the perimeter so that the manufactured home is not more than twelve (12) inches above grade on the uphill side of the home. Exceptions to this provision may be granted by the Planning Commission in those areas where the flood plain requires a greater elevation;
    - c. Shall utilize a permanent perimeter enclosure of non-structural concrete, concrete block or masonry wall on all manufactured homes placed on individual residential lots outside a mobile home park or manufactured home subdivision; inside a mobile home park or manufactured home subdivision, shall utilize a perimeter enclosure in accordance with approved Installation Standards, as specified in [9-07.02-40](#);

- d. Shall be anchored to the ground, in accordance with Oregon Department of Commerce requirements and to the manufacturer's specifications;
- e. Shall have wheels, axles and hitch mechanisms removed;
- f. Shall have utilities connected, in accordance with Oregon Department of Commerce requirements and manufacturer's specifications;
- g. Shall have exterior siding and roofing which in color, material and appearance is similar to a type customarily used on site-constructed residences;
- h. Shall have a roof with a pitch of at least three (3) feet in height for each twelve (12) feet in width, (i.e., at least a three (3) to twelve (12) pitch), and eaves with a minimum projection of six (6) inches;
- i. May have a garage or carport. If so, the exterior materials of the garage or carport shall match the residential home;
- j. Shall not be sited adjacent to any designated historical structure or designated historical site;
- k. Shall be subject to the same development standards as other single family residences in that zone; and
- l. Shall utilize visual relief features when sited with the front entrance facing the side lot line:
  - 1. In any case where the side lot line is adjacent to an existing residence, install a sight-obscuring decorative fence or vegetative planting along the side lot line for a distance which will maintain the privacy of the adjoining developed residential property;
  - 2. Utilize at least two (2) of the following design features along the side of the house facing the street:
    - i. Dormers;
    - ii. Gables;
    - iii. Covered porch or deck;
    - iv. Cupolas;
    - v. Pillars or posts;
    - vi. Bay or bow windows;
    - vii. Eaves (minimum projection of six (6) inches;
    - viii. Off-sets on building face or roof for at least sixteen (16) inches.

## **9-07.02-30 [Schedule of Uses]**

Manufactured or mobile homes are permitted uses as follows:

- P= Permitted Use
- C= Conditional Use
- X= Prohibited Use

<b>City of Vernonia Zoning Districts</b>	<b>Manufactured Home</b>	<b>Mobile Home</b>
<b>Low Density Residential (LDR)</b>	P	X
<b>Residential (R)</b>	P	X
<b>General Residential (GR)</b>	P	X
<b>General Commercial (GC)</b>	C	C
<b>Light Industrial (LI)</b>	C	C
<b>Public Recreation (PR)</b>	X	C

## **9-07.02-40 [Installation Standards]**

- A. Permanent Perimeter Enclosure-** Those manufactured homes designed in the [Zoning Code](#) as requiring a permanent perimeter enclosure must be set onto an excavated area with foundations, footings and crawl space or basement walls constructed in accordance with Oregon Department of Commerce Standards. The space between the floor joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings).
- B. Foundation Siding/Skirting-** All manufactured homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be weather-resistant, non-combustible or self-extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finished grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.

The siding shall be ventilated by openings, which shall be a net area of not less than one and one half (1½) square feet for each twenty-five (25) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one half (½) inch in any dimension. The underfloor area shall be provided with an eighteen (18) inch by twenty four (24) inch minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.
- C. Support System-** All HUD-Code manufactured home load-bearing foundations shall be installed in conformance with the Oregon Department of Commerce regulations and with the manufacturer's installation specifications (Must meet flood plain requirements).

## **9-07.03 [Administrative Provisions]**

### **9-07.03-10 [Permits]**

#### **A. Improvement Location Permit-**

- 1. Requirements-** Prior to the location, relocation or establishment of any manufactured home, the home owner or authorized representative shall secure from the Building Official an Improvement Location Permit, which states that the building and its location conform with the Comprehensive Plan. Each application for an Improvement Location Permit shall be accompanied by:
  - a.** Those plot plans as required for all dwelling units but which at a minimum, include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding enclosure construction and materials, exterior finishes and the like (**see the Manufactured Home Data Sheet at the end of this ordinance**);
  - b.** Health department approval for and sewage disposal or water supply, where applicable;
  - c.** PD or subdivision permit approval, where applicable;
  - d.** A copy of the approved instructions, which will be used for installation purposes, where applicable;
  - e.** Such other information, as may be required by the Building Official for proper enforcement of this chapter;
  - f.** The owner of the manufactured home shall be the owner of the lot on which the manufactured home is located; and
  - g.** An agreement signed by the home owner or authorized representative pledging compliance with the terms set by the Planning Commission in the Improvement Location Permit.
- 2. Issuance of Permit-** After receipt of the information required for an Improvement Location Permit, the Building Official shall review the standards set in this chapter. If applicant has met all required standards, then within seven (7) working days the Improvement Permit shall be issued by the designated administrator.
- 3. Additional Action Necessary-** If after receipt of the information required for an Improvement Location Permit, the Building Official finds that the applicant has not fully met the standards set in this chapter, and the changes or additional actions needed are deemed by the Building Official to be relatively minor or simple, within seven (7) working days a conditional approval can be issued, with the stated conditions which must be met prior to occupancy spelled out, and the reasons for change clearly stated in writing. If the applicant agrees in writing to the further conditions, the effect being an amendment to the application to conform to the requirements, approval is given and the applicant proceeds. If the applicant does not agree, the application is denied, with reasons stated in writing.
- 4. Denial of Permit-** If any of the major elements are clearly out of line with the standards, within seven (7) working days issuance of the Improvement Location Permit will be denied, with a written statement specifying the reasons for the denial.
- 5. Appeals-** The applicant may appeal a decision of the Building Official by filing a written request for such an appeal within seven (7) working days of the date of the decision. The appeal shall then be placed on the agenda for the next regularly scheduled meeting of the Council.

6. Permit Fee- The Improvement Location Permit fee shall be five hundred dollars (\$500.00) and is in addition to all other required permits for utilities and sewage disposal systems. (This fee is intended to defray the cost of processing applications and shall not be refunded to the applicant.)
- B. Certificate of Occupancy-**
1. Occupancy Requirement- Prior to the occupancy of any manufactured home, the home owner or authorized representative shall secure from the Building Official a Certificate of Occupancy, stating that the building and its use comply with all provisions of this chapter applicable to the building or the use in the district in which it is to be located.
  2. Issuance of Certificate- After submission of an application for a Certificate of Occupancy, the Building Official shall inspect the property and make such referrals to other local officials for technical determinations, as he deems appropriate, for conformance with conditions of the Improvement Locations Permit and the standards set in this chapter. If the applicant has conformed with all of the required conditions and standards, a Certificate of Occupancy shall be issued within seven (7) working days.
  3. Temporary Certificate- If after submission of the application for Certificate of Occupancy and the examination by the Building Official, it is found that the applicant has not fully met the required conditions and standards, a temporary Certificate of Occupancy, along with a written statement of necessary modifications, may be issued for a period not to exceed two (2) months, pending completion of the modifications.
  4. Denial of Certificate- If any major conditions or standards have not been complied with, the Certificate of Occupancy is denied, with a written statement specifying the reasons for the denial.
- C. Failure to Obtain Required Permits-** Failure to obtain either an Improvement Location Permit or a Certificate of Occupancy shall be violation of this chapter and punishable under the provisions of [9-07.03-20](#).

### **9-07.03-20 [Penalty for Violation]**

- A. Failure to Comply-** Each day of non-compliance with the provisions of this chapter constitutes a separate and distinct code violation. Judgment of up to five hundred dollars (\$500.00) per day may be entered for a violation.
- B. Subject to Removal-** A home, sited upon property in violation of this chapter, shall be subject to removal from such property. However, the home owner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring compliance, the expenses involved may be made a lien against the property.
- C. Removal Method-** The Building Official may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

## **Chapter 9-08 [Habitation of Travel Trailers]**

## **9-08 [Habitation of Travel Trailers]**

### **9-08.01 [Introductory Provisions]**

#### **9-08.01-10 [Definitions]**

As used in this chapter the following words and phrases shall mean:

- A. "Travel Trailer" means a vehicle, self-propelled or not, and including motor homes and campers, which is designed to be driven, pulled or otherwise used on a highway and which has facilities or space which can be used for human habitation or for conducting business.

### **9-08.02 [Regulation of Use]**

#### **9-08.02-10 [Use of a Travel Trailer]**

Inhabiting a travel trailer as a dwelling, except where otherwise approved, or using a travel trailer to conduct business within the City of Vernonia is prohibited unless the occupant first obtains a permit from the City. The occupant of the travel trailer shall make application for the permit to the City Recorder, and final approval must be obtained from the City Council.

### **9-08.03 [Administrative Provisions]**

#### **9-08.03-10 [Use Permit Application]**

The application shall be in writing and shall set forth the proposed location of the travel trailer, the provisions for sanitary facilities, the period of time for which the permit is sought, and the reason for which application is being made to use a travel trailer instead of a more permanent structure.

#### **9-08.03-20 [Application Approval or Denial]**

The City Council may consider information provided in the application and from any other source. If the Council is satisfied that the use of the travel trailer is not likely to become a public nuisance or be dangerous to public health or safety, it may grant the application for permit. In no event, however, shall such a permit be issued for a period of time in excess of six (6) months. In addition, any such permit issued may be revoked on twenty-four (24) hours' notice if the building official, after inspecting the travel trailer, determines that it is lacking in proper sanitary facilities, or is dangerous to public health and safety, or is a public nuisance because of its condition, location or use.

#### **9-08.03-30 [Violation]**

Violation of this chapter or any part thereof shall be punishable upon conviction by a fine of not more than five hundred dollars (\$500). Each day there is a violation under this chapter shall be considered a separate offense.



## **Chapter 9-09 [Vernonia Sign Code]**

## **9-09 [Vernonia Sign Code]**

### **9-09.01-10 [Purpose]**

The purpose of this chapter is to maintain or improve the aesthetic quality of the City's residential and business environment in a manner that recognizes and balances the need for signs with other visual, aesthetic and safety concerns of the community.

Further, the purpose of these regulations are to:

- Protect the health, safety, property and welfare of the public;
- Provide a neat, clean, orderly and attractive appearance of the community;
- Improve the effectiveness of signs;
- Provide for safe construction, location, erection and maintenance of signs;
- Prevent proliferation of signs, sign clutter, minimize adverse visual safety factors to travelers on the public highway and on private areas open to public travel; and
- Achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.

**9-09.01-20 [Applicability]** All new, altered or remodeled signs within City Zoning districts shall be permitted, provided that they meet all standards and provisions herein, except as otherwise provided in Section 9-09.01-50 Permit Exemptions. Alteration of a sign includes but is not limited to the size, content, shape, method of illumination, position, location, materials or supporting structure of a sign. The permitting process may be administrative or if necessary, reviewed by a hearings body.

### **9-09.01-30 [Definitions]**

A. The following definitions apply to this section and supersede conflicting definitions in the Title 9 Land Development Code.

1. Abandoned. The cessation of operation or change of use. "Abandoned" shall not mean an ownership change or a name change as long as there is no cessation of the operation for longer than ninety (90) days and the use is not changed.
2. Awning. An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.
3. Banner. A flag, bunting or other flexible sign characteristically hung on a building, or otherwise suspended down or along its face or across any public streets of the City. The banner may or may not include copy or other graphic symbols.
4. Billboard. A sign structure subject to the provisions of the Oregon Motorist Information Act of 1971 and erected for the purpose of leasing advertising space to promote an interest other than that of an individual, business, product or service available on the premises the billboard is located on.

5. Building Directory Sign. A sign giving the name, address number or location of the occupants of a building or buildings.
6. Building Face of Wall. All window and wall area of a building in one plane or elevation.
7. Directional Sign. An on-premise sign designed to identify and locate an office, entrance, exit, motor vehicle route, telephone or similar place, service, or route.
8. Directory Signs. Used for multi-tenant buildings to provide a directory of tenant locations within the building. They may also serve as the address sign for the property. Directory signs are small scale and are oriented to pedestrians.
9. Display Surface. The area made available by the sign structure for the purpose of displaying a message thereon.
10. Flexible Sign. A windsock, flag, pennant, streamer or banner or similar sign or structure constructed of cloth, canvas or similar material, and hung from the building or sign, which serves to identify the building or the business and/or attract attention to the business. The windsock, banner, pennant, flag or similar sign may or may not include copy or other graphics signs.
11. Ground Mounted Sign. A permanently mounted sign which is not attached to any structure or building. Also referred to as a free-standing sign.
12. Hanging Sign. Those which have both edges of the sign attached to a supporting structure above it.
13. Home Occupation Sign. A sign associated with an approved Home Occupation in accordance with this section and Title 9 Section 9-10.01-20 Home Occupations.
14. Internally Illuminated. A sign which is wholly or partially illuminated by an internal light source from which light passes through the display surface to the exterior of the sign. The use of internal illumination is restricted to “indirect halo” or “push-through” illumination techniques. Internally illuminated acrylic faces are prohibited.
15. Logo. Pictures, figures, symbols, letters, sign copy or similar graphic design which advertises or identifies a business, building or use.
16. Monument Sign. A low profile, ground-mounted freestanding sign that is supported by a solid base as an essential element of the design of the sign.
17. Non-conforming Sign. An existing sign, lawful at the time of enactment of these provisions, which does not conform to the requirements of this code.
18. Off-site Sign. A business identification sign occupying space on property which is not the property occupied by the business.

19. Portable Sign. Any sign or other graphic, including A-frame signs, which is designed to be or is capable of being transported from one place to another and not permanently affixed to a structure or building.
20. Projecting Sign. A sign other than wall signs, which are attached to and project from a structure or building face, usually perpendicular to the building face. Also called a blade sign.
21. Roof Sign. A sign located on or above the roof of any building.
22. Shopping Center/Business Complex. A group of three (3) or more commercial retail/industrial businesses which have been designed and developed together as an integral unit on a single parcel of land or separate parcels of land and which businesses utilize common off-street parking or access.
23. Sign. A sign is any structure, device, fixture or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying any business occupant, establishment, product, goods or services. However, a sign shall not include the following:
  - a. Flags and insignia of a government, school, religious group, or nonprofit organization.
  - b. Legal notices; identification, information, or directional signs erected by governmental bodies or public utilities.
  - c. A memorial plaque, tablet or cornerstone made an integral and permanent part of the building or structure.
  - d. Signs within a building which cannot be seen from outside the building.
  - e. Holiday decorations.
24. Temporary Sign. A sign which is not permanently affixed. A banner, pennant, poster or advertising display constructed of cloth, canvas, flags (not including flags of national, state or city governments), plastic, sheet, cardboard, wallboard, sheet metal, plywood or similar materials and intended to be displayed for a limited period of time. Temporary signs do not include portable signs.
25. Wall Sign. A sign attached to or erected against the wall of a building with the face in a parallel plane of the building wall.
26. Sign, Public. A sign erected by a public officer or employee in the performance of a public duty which shall include , but not be limited to, motorist informational signs and warning lights.
27. Way-finding Sign. An off-premise sign that is part of a City-sponsored and coordinated program for the purpose of facilitating vehicular tourists to a local tourist destination as designated and recognized by the City.
28. Wind Sign. Any cloth, plastic or other flexible light material which is fastened together by wire, rope, cord, string or other means in such manner as to move by wind pressure and which are used or displayed to attract attention to a business, product, service or entertainment.

29. Window Area. An individual pane of glass or a contiguous area of glass separated only by nonstructural elements of dissimilar (non-glass) material.
30. Window Sign. A sign painted on, etched, attached to or placed upon glass surfaces of windows or doors of a building intended for viewing from the exterior of the building.

### **9-09.01-40 [General Provisions]**

A. Any sign or other graphic display which is supported by more than one means and, therefore, cannot be clearly defined as ground, wall, roof, projecting, or other sign shall be administratively assigned to the sign category most logically applicable and the appropriate standards applied.

B. Sign Design Basis: Vernonia has a sense of time and place dating from the early 1900's. Signage at that time was pedestrian-oriented. The size, lettering and placement of signs were generally designed to attract the attention of foot traffic and slow-moving horse or vehicle traffic. This is in keeping with a desire to build a pedestrian friendly downtown core. The basis for sign design should be compatible with the early 1900's Historic Mill Town for signs located in all zoning districts. Business logos may be incorporated into the design

C. The following provisions generally apply to permanent Ground Mounted, Monument, Wall, Projecting, Hanging and Off-site signs:

1. Signing shall be in proportion with and visually related to the architectural character of the building, restrained in the size and be in conformance with generally accepted principles of good design and architecture.
2. Signing for a business within a commercial or industrial center shall be in harmony with the signing of the entire complex. The signing for any new or remodeled commercial or industrial center shall be approved concurrent with the overall design review of the project in the form of a consistent signing program.
3. All signs shall comply with vision clearance safety standards at intersections.
4. Permitted Materials
  - a. Signs shall be constructed of wood, stone, metal or materials promoting a look of such natural materials.
  - b. Use of materials other than wood, stone or metal may be approved by the Planning Director or designee, provided the materials are indistinguishable in appearance from wood, stone or metal.
5. Signing Techniques shall be permitted as follows:
  - a. Painting the sign directly on the facade of the building.
  - b. Painting of a sign on a finished material or sign board which is subsequently affixed to the building.
  - c. Affixing raised block letters directly on the facade of the building.

6. Logos may be permitted and shall be considered as part of the allowable sign area.

7. Illumination - no sign shall be erected or maintained which, by use of lights or illumination creates an unduly distracting and hazardous condition to a motorist, pedestrian or the general public. In addition:

a. Signs may be externally illuminated by flood lights or other lighting approved by the Planning Director or designee, located on wall or roof area adjacent to the sign intended to be illuminated with illumination directed down.

b. No external illumination devices shall be allowed to exceed the building height requirements of the underlying zone.

c. No light emitting source shall be exposed to direct view from a public street or highway that may be used for indirect light illumination of the display surface of a sign. This means that a person standing at the adjacent property line would not see the light emitting source.

d. No sign shall be erected or maintained if it contains, includes or is illuminated by any flashing intermittent, revolving, rotating or moving lights, or which moves or which has animated or moving parts.

e. No sign shall be internally illuminated except as described in the definition of an internally illuminated sign in Section 9-09.01-30 and as approved by the City Planner. Also permitted are small neon signs described in 9. f. below, and small business signs exempt from a sign permit described in Section 9-09.01-50 10.

f. Two (2) neon window signs per business are allowed provided the maximum size is two hundred eighty (280) square inches per sign.

8. Joint Occupancy or Multiple Uses. The size restrictions set forth herein apply to each building. Where a building is occupied by a single occupant who carries on more than one activity within the building, the occupant must allocate the available ground or wall sign area in any manner between the various activities, but the total area so allocated may not exceed the a maximum area available to that occupant were he/she carrying on only a single activity. In like manner, where a building is occupied by more than one tenant, the owner may allocate available ground or wall sign area among the various tenants, but the total area so allocated may not exceed the maximum area available to a single tenant occupying the entire building.

## **9-09.01-50 [Permit Exemptions]**

A. The following signs or procedures shall not require a sign permit:

1. Repainting, cleaning or other normal maintenance or repair of a sign or sign structure, so long as the sign design, color, material, content, etc. is not modified in such a way as to conflict with the intent of the sign standards.
2. The changing of the advertising or message on an approved painted or printed sign or signs specifically designed for the use of replaceable copy, including changing the name of the business of the use advertised under the current owner (e.g. changing "Shell" to "76" gas). However, change in copy shall be permitted only if no structural changes in the sign are necessary.
3. Temporary window signs.
4. Construction signs which identify the architects, engineers, contractors and other individuals or firms involved in the construction (but not including any advertisement of any product) and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of sixteen (16) square feet for each firm. The signs shall be confined to the construction site and shall be removed not later than fourteen (14) days after the beginning of the intended use of the project.
5. Real estate signs not exceeding twelve (12) square feet in area and six (6) feet in height, and unlighted, which advertises the sale, rental or lease of the premises upon which the sign is located. Such signs shall be removed no later than fourteen (14) days after the sale or lease of, or expiration of the listing for such property.
6. Signs directing traffic movement onto or within premises, not exceeding three (3) square feet per sign.
7. Political campaign signs. Such signs shall be removed no later than seventy-two (72) hours after the closing of the polls.
8. Garage sale, yard sale, patio or other similar sale signs of a temporary nature. Such signs shall be placed not more than forty-eight (48) hours before the sale begins and removed no later than twelve (12) hours after the sale ends.
9. Memorial tablets, cornerstones or similar plaques not exceeding six (6) square feet in size.
10. Small illuminated or non-illuminated informational signs related to the operation of a business, such as open/close signs, and signs of a similar nature. Such signs shall not exceed three (3) square feet per sign and one such sign is permitted per building elevation.
11. Any other signs that are state or federally regulated and are not required to comply with local sign requirements.

## **9-09.01-60 [Prohibited Signs]**

A. The following signs are prohibited:

1. Signs that are placed on, affixed to or painted on a motor vehicle or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by these standards. Signs on vehicles used in the normal course of business shall not be subject to this provision.
2. Signs or sign structures that create a hazard by obstructing clear view of pedestrian and vehicular traffic.
3. No sign shall be attached to or placed against a building or other structure in such a manner as to prevent or inhibit ingress or egress through any door or window required or designated for access to any building, nor shall any sign obstruct or be attached to a fire escape.
4. No sign or other graphic display other than a City or other public agency sign shall be allowed to be erected, installed, replaced or maintained in, over or on any public property, including parkways, except as provided in this ordinance.
5. Service signs such as those identifying VISA or MasterCard shall not be attached to an approved sign. If such services are to be advertised, the signs shall be integrated into the overall sign design and are subject to all requirements of these standards.
6. No sign shall have or consist of any moving, rotating or otherwise animated part or any flashing, blinking, fluctuating or otherwise animated light. In addition, no sign shall approximate or resemble in any way an emergency light or sign. The provisions of this subsection shall not be applied so as to prohibit the following types of signs:
  - a. A conventional clock face
  - b. An on-premise traditional , revolving barber pole that is not more than eleven (11) feet above the ground.
7. Signs in right-of-way. Signs shall not be located in or extended onto public rights of way except as otherwise provided in these sign provisions. Traffic control signs and devices installed by the governmental entity responsible for the right-of-way and City signs are exempt from this prohibition.
8. Noise-emitting signs. Signs that emit sounds.
9. Billboards shall not be allowed in the City of Vernonia or the Urban Growth Boundary.
7. Internally illuminated signs are only allowed as described in the definition of an internally illuminated sign per Section 9-09.01-30. Further, small illuminated or neon business signs are permitted in accordance with sections 9-09.01-40 General Provisions and 9-09.01-50 Permit Exemptions.



8. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
9. Exposed exterior vending machines, such as those used to dispense soft drinks, not including newspaper and magazine stands.

### **9-09.01-70 [Procedures]**

A. A sign permit is required in each of the following instances:

1. Upon the erection of any new sign, except as exempt in section 9-09.01-50 Permit Exceptions.
2. To make alteration to an existing sign, and to alter an existing non-conforming sign, except as exempt in Section 9-09.01-50 Permit Exemptions.
3. To erect a temporary sign for a new business, except for a temporary window sign.

B. The Planning Director or the applicant shall have the right to refer a Sign Permit application to the Planning Commission in lieu of the normal administrative process for a Sign Permit.

C. Required Information for a Sign Permit. For the purposes of review by the Planning Director or designee and Building Official, a drawing to scale shall be submitted which indicates fully the material, color, texture, dimensions, shape, relation and attachment to the building and other structures, structural elements of the proposed sign, and the size and dimensions of any other signs located on the applicant's building or property.

D. Sign Permit Fee. The applicant shall pay the required fee as established by the City Council. When a sign is erected or placed prior to approval of a required sign permit, the sign permit application fee shall be doubled. Payment of the double fee shall not relieve an applicant from fully complying with the requirements of the sign standards or from any applicable penalties.

### **9-09.01-80 [Sign Measurement]**

A. The following criteria shall be used in measuring a sign to determine compliance with this ordinance:

1. Area. The area of the sign surface is computed by calculating the area encompassed within any regular geometric figure which would enclose all parts of the sign excluding structural supports, provided they are not used to attract attention.
2. Double-Faced Signs. Allowable sign square footage applies to only one side of double-faced signs.
3. Clearance. Clearance of a sign is measured from the average grade at the base of the sign to the lowest point of the sign.
4. Height. Height is measured from the grade of the curb line closest to the base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the average finish grade shall be used to measure the

height. The height of an attached sign shall not exceed the ridgeline of the building or the top of the false façade.

### **9-09.01-90 [Requirements for Signs by Zone District]**

A. The following table indicates the most common allowable signs by zoning district.

Section 9-09 Table 1 Signs Permitted by Zone

	Wall	Project	Flexible	Ground/Monument	Window	Awning	Portable	Home Occupation
LDR	*			*			X	X
R	*			*			X	X
GR	*			*			X	X
DT	X	X	X	X	X	X	X	
GC	X	X	X	X	X	X	X	
LI	X	X	X	X	X	X	X	
PR	X	X	X	X	X	X	X	
IP	X	X	X	X	X	X	X	

\* Only for Approved Public or Semi-Public uses or a B&B

Billboard signs: not allowed in the City

Off-site signs: only allowed on Hwy 47 per ODOT permit

### **B. Low Density Residential LDR, General Residential GR, Residential R , Public IP, and Park PR Zones**

1. Sign regulations for non-residential uses permitted by a conditional use or other land use permit are as follows:

- a. Public and Semi-public uses such as a church, school, park, civic or similar organization are permitted one thirty-two (32) square foot ground sign with a ground sign having a maximum height of eight (8) square feet. A ground sign for the Vernonia School complex may be a maximum of fifty (50) square feet in size and twenty (20) feet high.
- b. For multi-family developments and mobile home parks containing four or more units there may be one identification sign limited to twenty (20) square feet in area and not exceeding six (6) feet in height located at each entrance to the park or building complex. In addition, at each entrance, there may be an externally lit sign not to exceed fifteen (15) square feet in area containing a map showing the location of individual sites or units.
- c. One on-site temporary subdivision sign not exceeding fifty (50) square feet in area and ten (10) feet in height, provided that such signs shall be removed no later than two (2) years from the recording date of the subdivision or until building permits have been issued on all of the lots, whichever occurs first.
- d. Permanent Subdivision Sign. One ground-mounted sign not to exceed twenty (20) square feet in area and a maximum height of four (4) feet. The subdivision sign shall be permitted at the primary entrance to the subdivision.

- e. **Bed & Breakfast Signs.** One ground-mounted or monument sign not to exceed four (4) square feet in area and four (4) feet in height is allowed. A projecting sign may be used in place of a ground mounted sign.
- f. **Home Occupation Sign.** One sign not to exceed four (4) square feet.
- g. **Portable signs** are permitted in the R, GR and LDR Zones during business hours only, in accordance with the Portable Sign provisions of Section C.1.n. below.

### C. All Other Zoning Districts

#### 1. Wall, Awning, Projecting, Hanging, Window, Ground Mounted, Monument, Directory, Portable and Service Station Signs:

- a. Each business shall be allowed one wall sign per exterior façade plus one awning, hanging or projecting sign. The face of a wall projecting from another wall shall not be considered part of the adjoining wall. Awning, projecting and wall signs shall be located on the portion of the building wherein the use or occupancy is conducted.
- b. **Area of Front Building Façade.** When the area of the front building façade is used to determine sign area, said area shall be computed by multiplying the width of the building frontage or portion thereof by the height of the building or portion thereof which are devoted to the particular business. “False fronts” and mansard roofs shall be included when calculating the area of the building façade.
- c. **Wall Signs.** One wall sign per building façade is permitted. Wall signs may not stand more than twelve (12) inches away from the wall; shall not exceed thirty percent (30%) of the wall areas in square feet of each façade; and shall not exceed two hundred (200) square feet in total area.
- d. **Awning Signs.** The area of a sign on an awning shall be deducted from the wall sign area permitted. Supports, posts or columns beyond the property line shall not be permitted.. Lettering shall be painted or otherwise permanently place on the awning.
- e. **Projecting Signs.** Where the building is built to the property line, a projecting sign may extend over the public right-of-way no more than five (5) feet or 50% of the width of the sidewalks, whichever is less. The sign may not exceed twenty (20) square feet in area per face. A minimum eight (8) foot clearance from the bottom of the sign to the finished grade is required. Alleys require a 14-foot clearance. The top of the projecting sign shall not exceed the ridgeline of the building or the top of the false façade.
- f. **Hanging Signs.** Hanging signs must be attached to the facades that have a public entrance and must maintain a minimum clearance of eight (8) feet above any public right-of-way or private sidewalk area. One hanging sign is allowed per tenant space. Hanging signs may have a maximum area of eight ( 8) square feet.
- g. **Permanent Window Signs.** The total area of such permanent window signs, in combination with temporary window signs, shall not exceed 25% of the total window area. The sign area of each window sign shall be deducted from the maximum sign area permitted on the building. See wall signs. Window signs shall not be illuminated, except for open/closed or credit card signs as

permitted in this section. Window signs do not include business hours of operation or open/closed signs.

- h. Ground Mounted Signs. Shall not exceed 32 square feet, except in the GC and LI zones where ground mounted signs shall not exceed 50 square feet. Such signs shall not be located within 10 feet of another sign. One ground mounted sign per lot is permitted. Sign height shall not exceed 20 feet.
- i. Monument Signs. A low-profile ground sign that is supported by a solid base. The size shall not exceed 32 square feet and the height shall not exceed six (6) feet. The bottom of the sign shall not be more than four (4') feet from the ground. A monument sign shall not be within ten (10') of any other sign within any street right of way, stop signs, etc.). No more than one (1) monument sign shall be permitted for each lot.
- j. Directory Signs: May be free-standing or affixed to an exterior wall. One per premises. Shall be no larger than 12 square feet in area, with letters no more than 6 inches in height. Shall not exceed 5 feet in height.
- k. Shopping Center/Business Complex Signs. One ground or monument sign indicating the tenants. Plus each business is allowed one wall sign per exterior wall.
- l. Drive-Thru Menu Board Signs. Are not permitted in the front yard setback. Maximum size of 30 square feet and maximum height of 8 feet. Only 2 menu boards for each drive-thru business.
- m. Service Station Price Signs. One price sign per station. Maximum size of 32 square feet and maximum height of 20 feet.
- n. Portable Signs. A portable sign, such as an A-frame or sandwich board sign shall comply with the following standards:
  - (1). Maximum size of 8 square feet and a maximum height of 4 feet.
  - (2). One sign per business is allowed, to be located within 10 feet of the business entrance, or if the sign is off-site, it must be located within 3 blocks of the business.
  - (3). May be displayed only during business hours.
  - (4). Is not permitted to interfere with traffic visibility.

Off-Site Signs. The business activity must be located within 3 blocks of the sign. The sign may only occupy space fronting the highway, and must be approved by the Oregon Department of Transportation (ODOT).

## **9-09.01-100 [Temporary Signs]**

A. Temporary signs shall comply with the following provisions:

- 1. Temporary Window Signs. Signs placed upon a window opening are permitted when such signs do not obscure more than twenty-five (25) percent of the window area, and are maintained

for a period not exceeding ninety (90) days where upon they shall be removed for a minimum period of thirty (30) days. The total area of such temporary window signs, in combination with permanent window signs, shall not exceed 25% of the total window area. Temporary Window Signs are exempt from the sign permit requirement.

2. Temporary signs, other than window signs, shall be displayed not more than one week before the start of an event and be removed the day after the event. Exceptions to this time limit are business closure (“Going out of Business”) signs, “Coming Soon” and Christmas or seasonal signage which may be displayed for 30 days prior to the start of the event and removed within a week after the event.
3. Temporary signs, other than window signs, as defined herein have separate permit procedure. Temporary sign applications shall be made on forms provided by the City. All applications shall be made with a one-time \$10 fee per temporary sign or banner transaction and include the name of a responsible party identified with their phone number and address included. If the sign is not displayed as required by these provisions and not removed the day after the event, City employees or their agents shall remove the sign and the responsible party billed for removal.
4. Banners are permitted only for commercial, institutional or civic activities and may be located only in areas approved by the Planning Director or designee. Banners across state highways require the approval by ODOT.
5. Size. Temporary signs shall be a maximum of twenty (20) square feet in area, except for banners which may not exceed 60 square feet.
6. Location. Temporary signs shall not be displayed in the public right-of-way and shall have the permission of the property owner on which they are displayed.
7. Prohibited Temporary Signs. Inflatable or lighter than air signs and/or devices used for advertisement are prohibited.

## **9-09.01-200 [Way Finding Signs]**

A. Purpose. The purpose of these standards is to provide a consistent and coordinated system of way-finding and public signage to get vehicles and pedestrians to and around the city by providing a hierarchical system of signage. Way-finding signage shall provide limited directional information.

B. General Provisions. The City shall administer the Vernonia Way-Finding signs and be responsible for:

1. Establishing design criteria for uniformity of signage, which criteria shall conform substantially to concept designs provided herein; and
2. Ensuring compliance with these regulations and payment by entities placing signs on sign assemblies of all fees required herein.

C. Procedure.

1. A sign permit is required for all way-finding signs.
2. The applicant shall pay the required sign permit fees as established by the City for all way-finding signs.
3. The City will purchase all signs. Any business seeking to display a secondary sign pursuant to this policy shall first execute an agreement with the City in a form available at City Hall.
4. The City shall coordinate the manufacture, placement and installation of all way-finding signs. The Public Works Department shall approve the location of all signs in the right-of-way, and install and maintain all way-finding signs.

D. Eligible Businesses. Only public facilities and unique tourist-oriented businesses that attract and are open to members of the general public may utilize way-finding signs. These include one of the following type businesses or attractions:

1. Museums and Historical sites
2. Local tourist-oriented businesses
3. Meeting facilities
4. Public Recreation Facilities
5. Galleries
6. Public Facilities
7. Campgrounds and lodging

E. Way-finding Signs.

1. Wood, stone or iron and their visual equivalent are the recommended materials for both the sign and the stanchion (for ground-mounted or monument signs).
2. Signs shall include white font and a brown background.
3. Individual way-finding signs shall be a maximum of 6" x 30" in size.

F. Sign Types. The design, dimensions and content of each sign are as follows:

1. General Directional Signs
  - a. These signs provide general direction to various destinations. These signs do not include specific names. Destinations include City Hall, downtown, parks, lodging, campgrounds and farmer's market.
  - b. Location. At key intersections to indicate changes in direction.
  - c. Dimensions. Post: Similar to existing sign standards for ground signs with a maximum height of ten (10') feet without the City logo

d. City logo size: Standard 30" x 30" advisory sign size.

2. Secondary Signs

- a. To provide directional assistance in locating specific tourist-oriented businesses and destinations. The name of the business or destination and an arrow are the only text on the signs. Individual logos shall not be permitted.
- b. Location. Secondary signs would be located within the right-of-way at intersections near to the businesses or destinations that are identified on the way-finding signs.
- c. Dimensions. Post: Similar to existing sign standards for ground mounted signs with a maximum height of ten (10') feet without the City logo.
- d. City logo size: Standard 30"x 30" advisory sign size.

**9-09.01-300 [Non-Conforming, Illegal and Abandoned Signs]**

A. A non-conforming sign shall not be altered, reconstructed, replaced, relocated or expanded in any manner unless it is made to conform with the provisions of this section, except as follows:

1. Other nonconforming signs on the same property need not be made to conform as a result.
2. The changing of the advertising or message on an approved painted or printed sign or signs specifically designed for the use of replaceable copy, including changing the name of the business of the use advertised under the current owner (e.g. changing "Shell" to "76" gas). However, change in copy shall be permitted only if no structural changes in the sign are necessary, except that no change in copy shall be permitted for non-conforming wall signs.
3. Ordinary maintenance and minor repairs, including that which are required for safety purposes shall be permitted. Structural alterations to the non-conforming sign are prohibited unless they are made to conform to all requirements of the City Code.

B. If the use identified by a non-conforming sign is abandoned (see definition) for a period of not less than ninety (90) days, the sign shall be removed unless it is made to conform to the provisions of this section. If such sign is not made to conform or if it is not removed within one hundred twenty (120) days from the time the use is abandoned, it shall thereafter be unlawful.

**9-09.01-400 [Maintenance]**

All signs together with all their supports, braces, guys and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site on which they are located shall be maintained in a neat, clean and attractive condition. Signs shall be kept free from deterioration. The display surfaces, trims, frames and supports of all signs shall be kept neatly painted or otherwise neatly maintained as applicable. No person shall scatter, daub or leave any paint, paste or glue or other substance used for painting or affixing a message to the display surface of any sign or throw or permit to be scattered or throw any bills, waste matter, paper, cloth or materials of whatsoever kind removed from a

sign on any public street, sidewalk or private property.

### **9-09.01-500 [Enforcement]**

A. If the Building Official shall find that any sign regulated in this section is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this section, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standard set forth in this section, within ten (10) days after such notice, such sign may be removed or altered to comply, by the City at the expense of the permittee or owner of the property upon which it is located. The Building Official may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

B. The owner of any sign, including supporting structures, shall keep the same in a presentable condition at all times. All painted signs, and all supporting structures of any sign, shall be repainted whenever such action is necessary to keep them in good condition.

C. Any sign which no longer advertises a bona fide business conducted, or a product available for purchase by the public, shall be taken down and removed within six (6) months of closing by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found, within thirty (30) days after written notification from the Building Official, and upon failure to comply with such notice within the time specified in such order, the Building Official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached, or, if the sign is not attached to a building, by the owner of the sign.

### **9-09.01-600 [Sign Variances]**

A. All sign variances shall be processed as a Type III land use decision to be considered by the Planning Commission.

B. The granting authority may grant a variance from the requirements of this section if it is established that:

1. The architectural design of a building, the location of a building site or location of building thereon, or some other circumstance relating to the sign proposal, is unusual or unique, and that because of this, a hardship will be created in that the applicant will be denied an opportunity to identify their business or location relatively equal to the opportunity accorded other members of



the community not burdened with such unusual or unique architectural design, building site, or other circumstance.

2. The design is proportional to the building and location, is consistent with the request and will not be injurious to the neighborhood in which the property is located or to property established to be affected by the request; and

3. The request is the minimum variance necessary to provide reasonable signage for the property affected.

## **09-10 Home Occupation**

## **9-10 [Home Occupations]**

### **9-10.01 [Introductory Provisions]**

#### **9-10.01-10 [Home Occupation-Purpose]**

The Home Occupation provision is in recognition of the needs of many people who are engaged in small-scale business ventures which could not be sustained if it were necessary to lease commercial quarters, or which, in the nature of the home occupation, cannot be expanded to a full-scale enterprise. [See definition “Home Occupation,” [\[9-01.01-30.N.\]](#)]

#### **9-10.01-20 [Regulatory Provisions]**

The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses.

Review Procedure. Two types of home occupations are available by this Code:

A. Type I Home Occupations meeting the standards in subsections 1-8, below, are allowed by right, provided the owner has a current and annually updated business license, and all other uses and structures on the subject property are in conformance with the applicable zoning; and

B. Type III Home Occupations exceeding any of the threshold standards in subsections 1-8 may receive approval through the Type III Home Occupation Permit procedure under Section 6.010 Conditional Use Permit and Section 3.060.025 Home Occupation Permit.

C. Type I Standards for Home Occupations.

1. Appearance of Residence.

- a. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (*i.e.*, prior development permit approval).
- d. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. Storage.

- a. Outside storage, visible from the public right-of-way or adjacent properties, that exceeds what is customary for a single family residence in the vicinity, is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

3. Employees.

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one (1) full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

4. Advertising and Signs. Signs shall comply with all applicable sign regulations. In no case shall a sign in the Residential District exceed four (4) square feet of surface area on all sides.

5. Vehicles, Parking and Traffic.

- a. One (1) commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
- b. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 7:00 p.m. and 8:00 a.m.
- c. There shall be no more than one (1) client's or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.

6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8:00 a.m. to 7:00 p.m. Monday through Saturday, subject to subsections 1 and 5, above.

## 7. Prohibited Home Occupation Uses.

- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line; is prohibited.
- b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to 1-6, above.
- c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:
  - (1) Ambulance service;
  - (2) Animal hospital, veterinary services, kennels or animal boarding;
  - (3) Auto and other vehicle repair, including auto painting; and
  - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

8. Enforcement. The City Manager or his/her designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance with Article VIII. The burden is on the applicant to report a change in the status or impact of the home occupation at the time of the annual business license renewal.

## **9-10.01-30 [Type III Home Occupation Permits.]**

### A. Purpose.

The purpose of this Section is to encourage those who are engaged in small commercial ventures that do not conform to the special standards in Section 9-10.01-20 Home Occupation. The standards referenced above allow home occupations as outright permitted uses that do not require a Conditional Use permit approval.

Section B. below provides a process for more intense home occupations to be allowed by a Conditional Use Permit approval from the Planning Commission and notice to surrounding property owners. These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, day-time “eyes on the street” at the residence, and a neighborhood-scale version of mixed residential and commercial uses.

**B. Type III Approval Process and Criteria.**

1. **Type III Home Occupation Permit.** Applications for proposals that cannot meet all of the standards in Section 9-10.01-20C shall be processed using a Type III procedure, as governed by Sections 9-01.06 Conditional Use Permit using the approval criteria in subsection 2, below. In addition to the application requirements contained in Section 9-01.06 CUP, the applicant shall provide:

a. A written narrative or letter:

- (1) describing the proposed home occupation;
- (2) demonstrating compliance with those standards in Section 3.060.020 C. that can be met, and explaining why the other standards in Section 3.060.020 C. cannot be met, and
- (3) demonstrating compliance with the criteria in subsection 2 below;

b. A site plan, not necessarily to scale, of the lot proposed for the home occupation, including:

- (1) the property lines and their dimensions;
- (2) outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;
- (3) boundaries and dimensions of driveways and parking areas, indicating areas for use by home occupation employees and customers;
- (4) outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and
- (5) identifying the buildings and areas of those buildings in which home occupation activities will take place, and identifying which activities will take place in which buildings and areas.

2. **Approval Criteria.** The City shall approve, approve with conditions, or deny an application for a Type III home occupation based on all of the following criteria:

- a. The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 250 feet of the subject property;
- b. Impacts to surrounding properties may exist but can be mitigated;
- c. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with Section 9-10.01C.

3. **Enforcement.** The City Manager or his/her designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance. The burden is on the applicant to report a change in the status or impact of the home occupation at the time of the annual business license renewal.

#### **9-01.10-40 [Appeals]**

- A. An appeal from a ruling of a City Administrative Officer regarding a requirement of this chapter may be made only to the Planning Commission.
- B. An action or ruling of the Planning Commission pursuant to this chapter may be appealed to the City Council within fifteen (15) days after the Planning Commission has rendered its decision. Written notice of the appeal shall be filed with the City Recorder. If the appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the Planning Commission and shall hold a public hearing on the appeal.

#### **9-01.10-50 [Form of Petitions, Applications and Appeals]**

Petitions, applications, and appeals provided for in this code shall be made on forms provided by the City. Applications shall be accompanied by plans and specification, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of existing and proposed structures; the intended use of each structure; the number of families, if any to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this code. Fees shall be set by resolution of the City Council.

#### **9-01.10-60 [Public Hearings]**

- A. Each notice of hearing authorized by this chapter shall be published in a newspaper of general circulation in the city at least ten (10) days prior to the date of the hearing.
- B. In addition, a notice of hearing on a conditional use, a variance or an amendment to a zone boundary shall be mailed to owners of property within two hundred fifty (250) feet of the property for which the variance, conditional use or zone boundary amendment has been requested. The notice of hearing shall be mailed at least twenty (20) days prior to the date of the hearing. If a proposed zone boundary or text amendment has been initiated by the Planning Commission or City Council, the mailing of the individual notice is not required by such additional means of informing the public as may be specified by the council shall be observed, unless otherwise required by state statute.
- C. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- D. The Planning Commission and the City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.
- E. Public Hearing procedures shall be followed in accordance with the Oregon Land Use Hearing Statutes.

## **9-11 Accessory Dwelling Units**



## **9-11 [Accessory Dwelling Unit Standards]**

1. Permitted Zoning Districts. ADU's are allowed on parcels that are zoned residential LDR, R or GR. One ADU per parcel is permitted.
2. Methods to create an ADU. An ADU may be created in any of the following ways.
  - a. Converting existing living area;
  - b. Finishing an existing basement or attic;
  - c. Building an addition to an existing structure;
  - d. Building a new structure; or
  - e. Converting or adding onto a detached garage or shed
3. Occupancy Limitations. The primary residence or ADU must be owner-occupied
4. Number of Residents. The total number of individuals that reside in both units may not exceed the number that is allowed for a "Family" as defined in Section 9-01.01-30.
5. Size Allowances. The maximum size of an ADU may be no more than 33% of the living area of the house or 880 square feet, whichever is less.
6. Setbacks, Height, Lot Coverage and Dimensional Standards. The ADU shall comply with the setback, lot coverage and dimensional requirements of the underlying zone. The height of a detached ADU may not exceed 18 feet.
7. Design Standards. Unless the ADU is limited to only interior remodeling of an existing single-family dwelling, a proposed ADU shall meet the following exterior design standards:
  - a. Main entrance; At least one main entrance must open onto a porch or covered entry. The porch shall have no exposed support hardware unless it is an architectural feature such as custom fabricated hardware intended to be a visible feature of the house. At least toward meeting this standard. Windows in garage doors do not count unless the door is 27 square feet in area and faces a street property line.
  - b. Roof pitch: The minimum roof pitch shall be 6:12.
  - c. The minimum eave projection is 12 inches.
  - d. Exterior finish: Unless an alternative plan is approved by the Planning Director or the Planning Commission, the exterior of an ADU:
    1. Shall have siding and roofing which in color, material and appearance is comparable to the predominant materials of surrounding dwellings and characteristics of the neighborhood.
    2. Shall not include plain concrete block, plain concrete, plywood, sheet pressboard, T1-11 and corrugated metal materials except as secondary finishes covering no more than 10 percent of the surface of each façade, and except that T1-11 may be used in a board and bat finish.

e. Detailed design: All ADU's shall provide detailed design by using at least four (4) of the following architectural features:

1. Trim to denote all building roof lines, porches, windows and doors that is at least 3 inches wide.
2. Dormers
3. Gables
4. Recessed entries
5. Covered porch entries
6. Pillars or wrapped posts
7. Offsets in building face or roof (minimum 16 inches)
8. Bay or bow windows
9. Decorative cornices and roof lines
10. Shutters
11. Architectural grade laminated shingles, cedar shakes or shingles, tile, slate or copper (not including standard asphalt shingles)
12. Brickwork, masonry or stucco
13. Any alternative feature providing visual relief similar to the options listed above (must be approved by the Planning Director)

8. Parking. In addition to the single family parking requirement, there shall be one additional off-street parking stall provided for the ADU.

9. Home Occupations. A home occupation is only permitted for the resident of the ADU whereby there shall be no employees or customers allowed.

10. Additional Requirements.

- a. Adequate provision shall be made for drainage, water and sanitary sewer connection. A separate water service may be required by the City.
- b. ADU's are regulated by the Oregon Residential Specialty Code for dwellings and require a Building Permit and Fire District approval. Construction fees shall be based on the same fee schedule as a single-family residence.
- c. SDC fees: One third of the Street SDC shall be paid with the ADU permit. In the future, if the parcel on which the ADU is located is partitioned off from the parent parcel the remaining 2/3's of the Street SDC shall be paid as well as all other applicable SDC's at the current rate. Street or utility improvements made at the time of ADU construction may be eligible for an SDC credit, as determined by the City.
- d. Addresses for sites with ADU's will be assigned as a single street address with an added "A" for the primary residence and an added "B" for the ADU.
- e. To discontinue an ADU a building permit is required. The purpose of the permit is to document that the accessory unit no longer exists.

11. Adjustments. An exception to the ADU standards may be requested in accordance with the Title 9 Section 9-01.08 Variance provisions.